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#### WRITING

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2.0. September. 2003

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Their message of Our indications

Munich,

18. September 2003

LI/PX

Change of the applicant in/owner address

Very honoured ladies and gentlemen,

the address that Fraunhofer Society for the promotion of the applied research e. V. (so far

Leonrodstr. 54, 80636 Munich) changed. The new address reads: Fraunhofer society for the promotion of the applied research e. V. Hansastr. 27 C 80686 Munich.

We ask you, this change of the address for all active patent applications and patents to make.

The past Postal address of the Fraunhofer Society remains unchanged:

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80636 Munich.

For those Patent applications and patents, with those a European patent representative European patent Attorney as representatives is ordered, their respective Postal address exist.

Passport Dr4 of erner Liebl 1er



Fraunhofer Society e.V.

Patentabteilung 42344 AV

Plant: - Acknowledgement of receipt

That managed Fraunhofer Society Univ. Prof. Dr. Ing. habil. Prof. e.h. Dr. h.C. Hans Joerg Bullinger, president

Dr. more rer. pole. Alfred Gossner Dr. jur. Dirk Meints rumble to Prof. Dr. Dennis Tsichritzis

Fraunhofer Society to the promotion  
the applied Research e.V., Munich

Bank connecting UN: Postal bank, Munich i:onta 56,255,801 8L-700 100 80

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EPA/EPO/OEB	European	European 1	office europ6en
D-60296 Munich	Patent office	patent office	brevets
+4969 2399-0			
TX 523,656 epmu D			

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DatumfDate

05-09-2003

Zeicher1RefJR6f. registration NrJAppGeation NoJDemande n°JPatent NR!Patent  
NoArevet n°.

E78491EP(BO/HL) 96909977.9-2303/0821755

AnmeklerlApplicanttDemandeurIPatentinhaber/Proprietor/i'dulaire

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.



DECISION OVER THE ATTITUDE OF THE EINSPRUCHSVERFAHRENS

That Einspruchsverfahren to the European patent NR. 0821755 becomes places.  
singe

() Einsprechende(n).41.~~kolQgi~Gh~.~au~u\$teC~7e).... has (to have) with letters of.....  
98-08-20m..... (their) the objection (Einsprueche) withdrawn.

To the continuation of the Procedure record no cause.  
officially exists due to that

The patentee in all designated Contracting States without the European patent did or  
the European patent expired for all these states.

The a-speaking no request for continuation of the procedure placed (rule 60(1) EPUe).  
CAUTION

Against these Decision is permitted the complaint. On the beigefuegten wording that  
Article 106 to 108 EPUe is made attentive.

For the objection department:

Tel. NR.: (089) 2399 2972

Plant: Wording Kind. 106 - 108 EPUe (form 2019)



P.S. The charge of 23-04-2003 for verbal negotiation is waived. WRITING ALSO  
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generals 2

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Date/DATE  
05-09-2003

Zeichen/Ref./Ref. registration NR./Application NoJDemande n°./Patent NR./Patent  
NO./Brevet n°.

97410 E EP/MK02 OPPO 01 96909977.9-2303/0821755

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.  
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That Einspruchsverfahren to the European patent NR. 0821755 one eingestellt.

() Einsprechende(n).O1."k010giSChe of structural systems)... has (to have) with letters  
of ..... 8:Q8:2QQQ..... that.(their).Objection (Einsprueche) withdrawn.

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Against these Decision is permitted the complaint. On the beigefuegten wording that Article 106 to 108 EPUe is made attentive.

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Tel. NR.: (089) 2399 2972

Plant: Wording Kind. 106 - 108 EPUe (form 2019)



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2 Q August. 2003

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European patent Attorney European trademark Attorney

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Our indication: 97 410 E EP/uc date:

File reference: 96909977.9 (EP 0,821,755 B1) 7t P., 4 d~ '0:9' r2 18. August of

2003 titles: Vapor barrier for the employment for thermal insulation in buildings

Patentee: Fraunhofer Society for the promotion of the applied research

Hiermit wird d

Peter Sartorius  
Patentanwalt

it objection of 2. August 2001 taken back.

Plant: 2 Double of this letter

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D-80298 Munich

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Date/DATE  
20-08-2003

Zeichen/Ref./Ref. registration NR./Application NoJDemande n°./Patent NR./Patent  
NO./Brevet n°.

97410 E EP/MK02 OPPO 01 96909977.9-2303/0821755

Anmelder/Applicant/Demandeur/Patentinhaber1Proprietor/Titulaire  
FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.  
SHORT REPORT

Concerns: ( ) your letter of  
( ) ours Telephone call of ( ) the answer of  
Enclosed you receive: (X) letters of the Patentinhabers/EinspXechenden of  
01-08-2003 also Holding out D12 and D13

( ) Kopie(n)

( ) report:

With the request over Information.

Formal specialist

Tel. NO.: (+49 89) 2399 2972

Guenter Roehn

( ) WRITINGS

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18/08/20133 16:21 +49-6202-9784B50 STTMPATENTANWAELTE S.

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www.p A-stt.D e kanzlei(Mpa stt.de

Our indication: 97 410 E EPluc date:

File reference: 96909977.9 (EP 0,821,755 BI) 18, August of 2003 titles: Vapor barrier  
for that Employment for thermal insulation in buildings

Patentee: Fraunhofer Society for the promotion of the applied research

O.P. 18.9.03

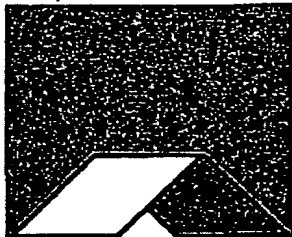
Hiermit wird

Peter Sartorius  
Patentanwalt

it objection of 2, August 2001 zurueckgenommen

Plant: 2 Double of this letter

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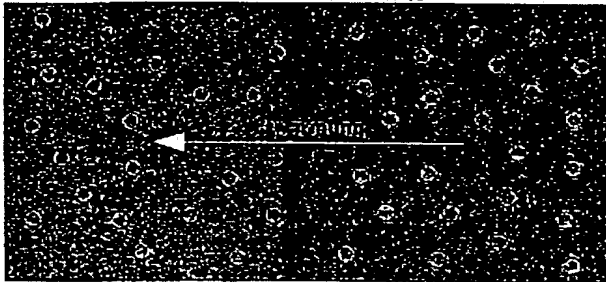
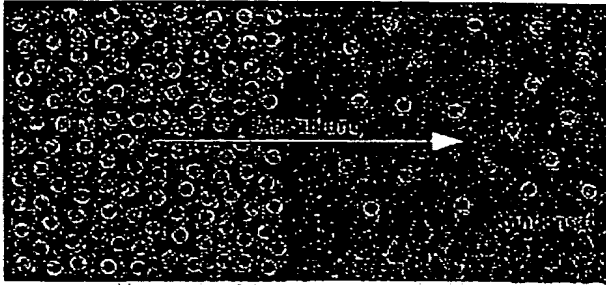


per dima "

D13

60©G)Uni(-96 96

03



Inside

Außen

Standard winter climate after 4108: Outside temperature:  $-10^{\circ}\text{C}$  maximum air humidity:  $2,1 \text{ g/m}^3$  relative Luftfeuchtigkeit: 100%  $\rightarrow$  Tauwasserausfall (Kondensat):  $6,55 \text{ g/m}^3$

Standard winter climate after DIN 4108: Outside temperature:  $-10^{\circ}\text{C}$

maximum Air humidity:  $21 \text{ g/m}^3$  relative air humidity: 80%

=  $\rightarrow$  absolute air humidity:  $1.7 \text{ g/m}^3$

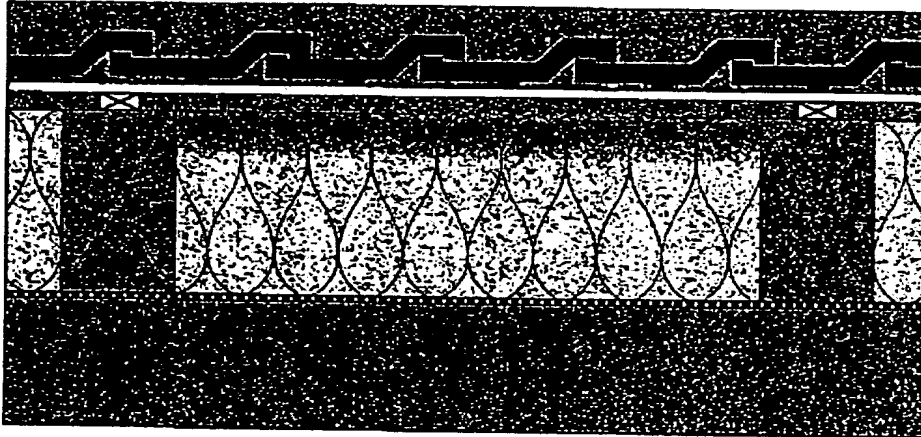


08-6.99 per clima hermeticness

Summery Wgrmesechutz

Vollsparrendaemmung

Air seal



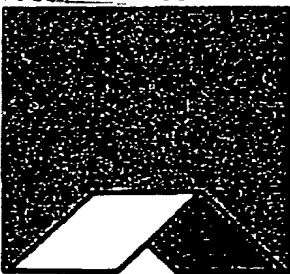
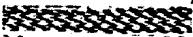
The thermic protection in Summer is dargestellt as phase shift and amplitude absorption. Under Phase shift versteht one the time (in hours), which needs the warmth, until it of the lower surface of the Dachziegel into the dwelling arrives.

Those Amplitude absorption describes the Temperaturerhoehung in the interior in the Verhaeltnis to the outside temperature



Hermeticness

Therminografie Photographie of a house rot=grosser calorific loss  
 yellow/green = middle calorific loss blue = small calorific loss  
 the condition, that warms ae really dams



per dima '

Hermeticness the thermal insulation is none  
 new size  
 but it becomes sides perfectly realizes



For one optimally funktionierende thermal insulation is the air seal of central importance. nationally gefoererten low-energy buildings is therefore the proof of the good Air seal compellingly prescribed. Guideline more hierfuer: a n50-Wert (= Change of air per hour with 50 Pa Druckdifferenz) of maximally 3. This value is since the Veroeffentlichung in the federal legal gazette and the introduction of the DIN 4108 part of 7 generally accepted and/or. with buildings with Lueftungsanlagen on one Worth of 1-1,5 intensifies. A conversion to practice takes place however rather rarely. Most thermal insulations do not correspond to the heutigen knowledge conditions. On the one hand lies in consciousness lacking over function and meaning of the air seal Craftsmen and Architekten at the basis. Products are, those that Anforderungen to perfect a Luftdichtung actually correspond, hardly available.

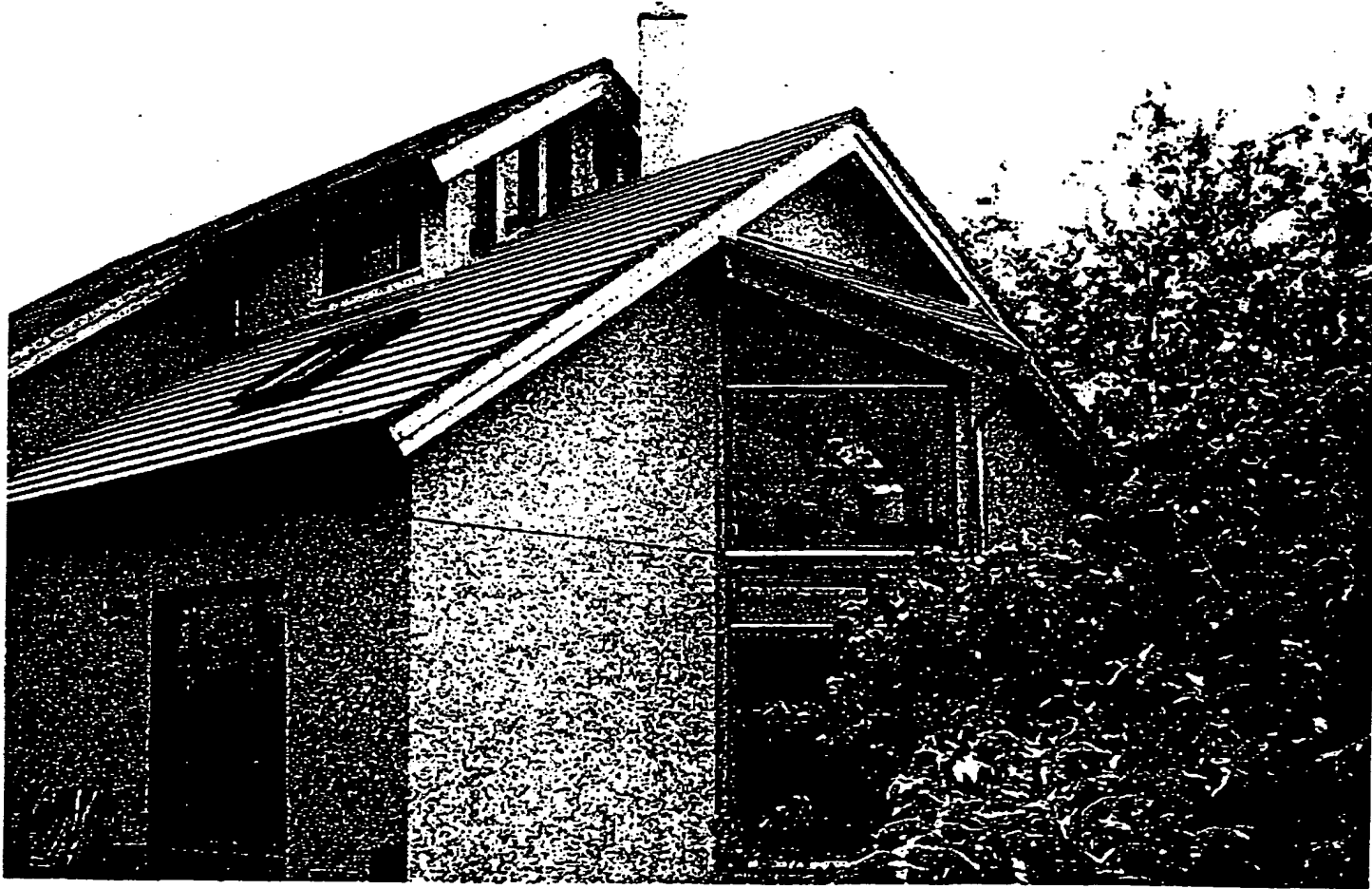
Opposite stand but the facts:

- . Owner of house how Tenants want to save heating costs with a profitable Waerme-daemmung (without up Do without to comfort to have).

- . Fossil one Fuel reserves are limited, a considered use advisable.

- . Only reduce CO<sub>2</sub> Ausstoss can defuse the greenhouse effect and preserve the environment.

- . The hermeticness the Gebaeudehuelle is "state of the art", an appropriate, unaufgeforderte Execution is legally prescribed.



Each again inserted or sanierte thermal insulation requires therefore a functioning air seal. Ausführung lacking increases those heizkasten and the Einsparungen desired verpuffen - in the wahrsten sense of the word - by the chimney.

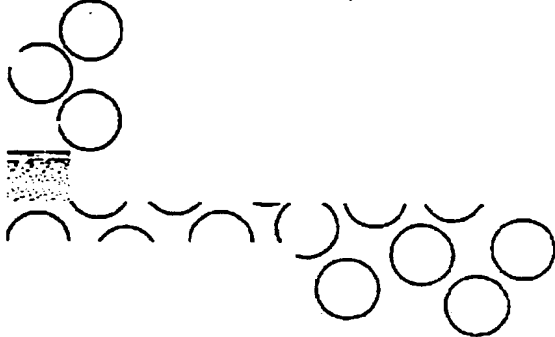
To which need Thermal insulations an air seal?

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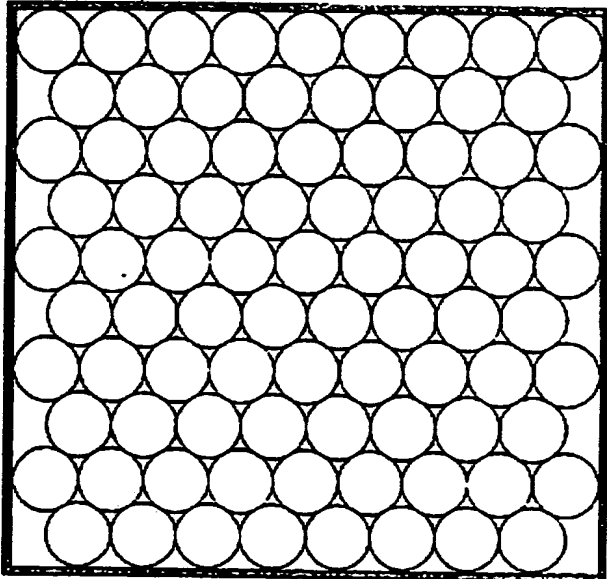
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The effect of all Waermedaemmungen is based on the cavities (air voids and/or. Luftkammern) in Dammmaterial (cellulose flakes, cork, want mineral fiber or other one Materials).

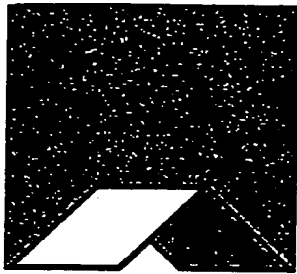


A condition for the daemmende effect of the cavities is their immobility. Finds an air movement innerhalb the pores or chambers instead of, leads this to one strong reduction of the dam effect. Therefore is with an optimal Damming construction of the Dammstoff generally finally.

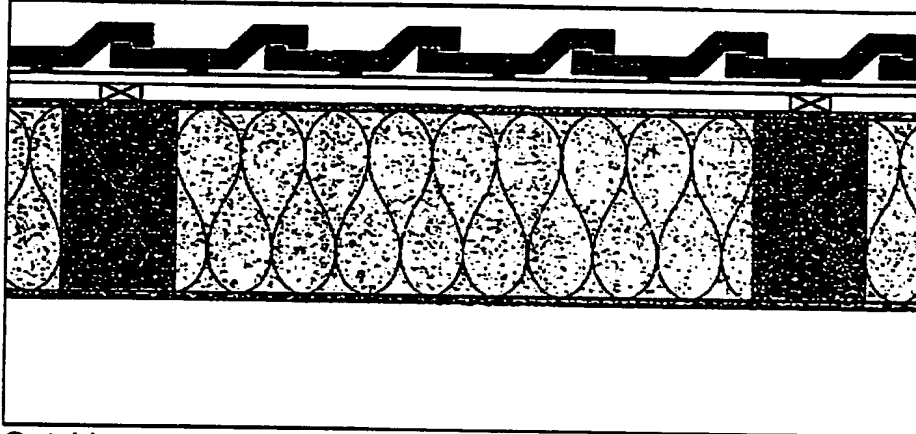
Similarly carrying one.thicken sweater: If a cold wind arises, the warming effect becomes the sweater reduces noticeably. One carries a thin over the sweater Wind jacket and protects these the sweater against Luftbewegung, becomes the warming Effect again reaches.

per clima Luftdichtheit

6.99 - 03



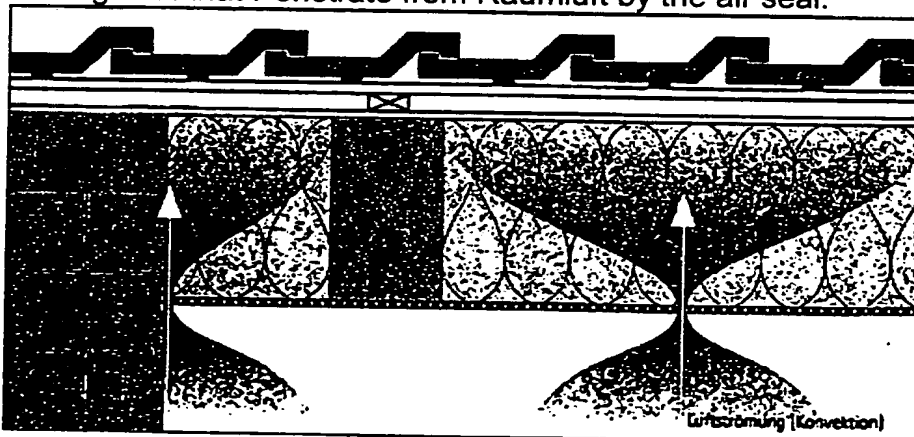
per dima '  
Perfect air seal  
a profitable Decision



Outside  
Damming protection layer  
Insulation  
Luftdichtung industrial union  
Inside

Graphics shows an ideal construction:

The insulating material is from the outside by the damming protective layer and from the inside with the Luftdichtung (z. B. the Dampfbremsbahn) finally.  
The insulation is doubly geschuetzt. Against outside air by the damming protective layer and against that Penetrate from Raumluft by the air seal.



Outside

Dam layer  
Insulation  
Air seal  
Inside

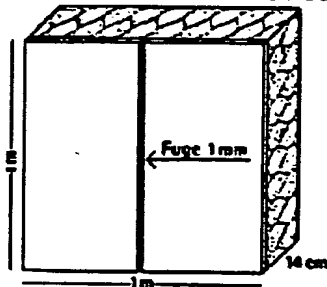
During the transfer the materials for the Luftdichtung leakages however often develop.  
The consequences:

- \* increased Calorific losses, Energiekosten and e02-Emissionen, long-term building damage, dry room air in the winter,
- o more insufficiently Thermic protection in the summer,
- . more reduced Noise control.

04-6.99 per clima hermeticness

Smaller one Energy costs, less C@2

Avoidance of Calorific losses an example: With a Daemmflaeche of 1m<sup>2</sup> and a Daemmschicht from 14cm, causes a joint of 1 mm broad in the spacelateral air seal (with standard climate and a small air pressure difference) a 4.8 times more higher Calorific loss over this joint as over the entire damming surface. The consequence? That for the construction did not calculate K-value tunes no more.



Boundary conditions: Interior temperature: +20°C outside temperature: -10°C difference of pressure: 20 Pa (= Wind force 2-3) (measurement:

Institut for Building physics, Stuttgart, source: DBZ 12189, side 1639ff)

Deviating one K-value Entstehen with the transfer of the daemm-Materials per m<sup>2</sup>jeweils joints of, 1mm and 1m length, changes according to for the thermal insulation in a roof calculated K-value of 0,30 W/m<sup>2</sup>K.

That later measured K-value of the roof (with Normwinterklima and small Luft difference of pressure) amounts to then instead of 0,30 W/m<sup>2</sup>K only

1.44 W/m<sup>2</sup>K (0,30 W/m<sup>2</sup> K x 4,8).

With broader joints (or groesserer air pressure difference) entstehen over these joints substantially larger calorific losses. Can despite correctly computed K-value of the insulation, Frost and high wind pressure to one no longer sufficient heating of the House lead

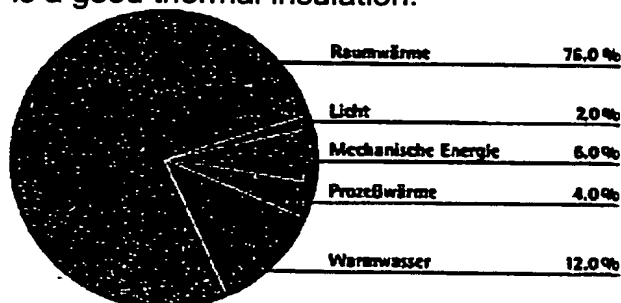
A joint in that Vapor barrier is energy-technically vergleichbar with a continuous joint between window frameworks and brick-work.

A condition, its Auswirkungen are directly noticeable and that not to be tolerated can.

Lowering of the Power requirement, the energy costs and the Co2-Emission

The energy consumption the Haushalte in Germany amounted to 1991 approx.. 42 0/o of the Gesamtenergieverbrauches (excluded Kfz traffic). The portion of the Gebaeudeheizungen was with 76,0%.

Offer therefore Heizenergieeinsparungen with buildings the richest possibilities for CO<sub>2</sub>-Emissionssenkung, Umweltentlastung and Kostenreduzierung. An optimal Waermedaemmung is essential for it, and only a thermal insulation with perfect Air seal is a good thermal insulation.



Insulations with joints cost energy and lead to higher CO<sub>2</sub>-Emissionen. Insulations also per clima Luftdichtungsmaterialien save energy and guarantee an actual CO<sub>2</sub>-Reduzierung.

Thus makes possible per cilina not only a profitable Waermedaemmung, but carries out at the same time a nachweisbaren contribution for the reduction of the greenhouse effect.

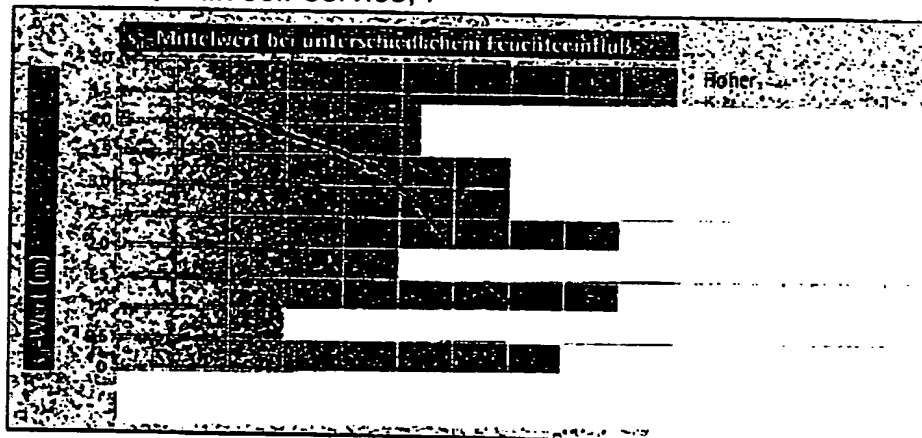
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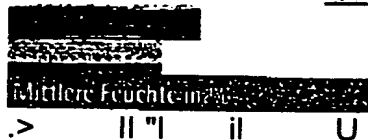
RWE energy Bau-Handbuch1995).

per clima Luftdichtheit 6.99 - 05

Dampness-more variable Sd-Wert;der Dam.pfbremse per clinia Do+

4D ^LnSQ'~K.k self-service, f~ '





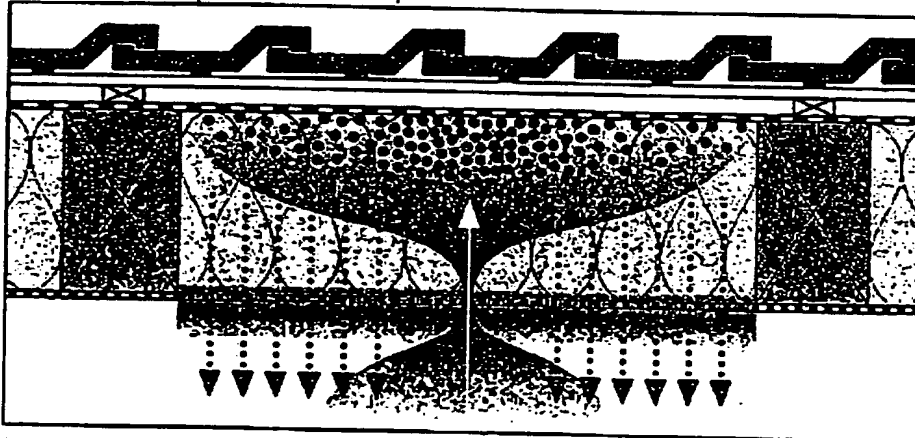
One is optimal diffusion-offene vapor barrier with a damp-variable Diffusionswert, those in the winter climate more diffusion-closely and in the summer climate more diffusion-offener is. It reduces in the winter the dampness entrance into the construction and beguenstigt the drainage in the summer. Security for the construction increases dadurch substantially.

In the winter Climate has per clima DB+ the Diffusionswiderstand of approx.. 3 m, in summer climate of approx.. 0.8 m. This offers an optimal security for those Construction also with ausserplanmaessiger dampness.

diffusion-close Unterdach

Vollsparrendaemmung

Air seal Dampfbremsbahn per clima

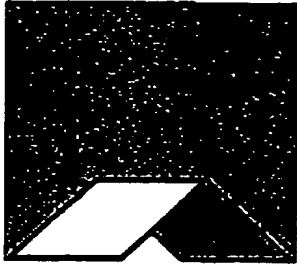


In numbers expressed:

The difference between Tauwasser and Verdunstungsmenge (computes according to DIN 4108) amounts to with a Dampfsperrfolie ( $s_d = 50$  m) in the relevant standard period (5 months) only 28 g/m<sup>2</sup>. With the use per clima steam brake course DB+ against it 1085 g/m<sup>2</sup> (that nearly 40fache).

Full rafter insulation with diffusion-close Unterdach and deviating DIN Winterklima (z. B. Building over 800m over NN), and with buildings with deviating Interior DIN climate (z. B. Gaert

nerien, ), the use is recommended natatoriums, Grosskuechen per clima DB+ SPECIAL. Here a individuelle diffusion computation is necessary. For We stand for information about detailed Konstruktionshinweise to their Order.  
 per clima Luftdichtheit 6.99 - 07



per clima '  
 Security  
 before building damage, also  
 the Vollsparrendaemmung

Backing ventilation ~  
 A, ~  
 i F 1

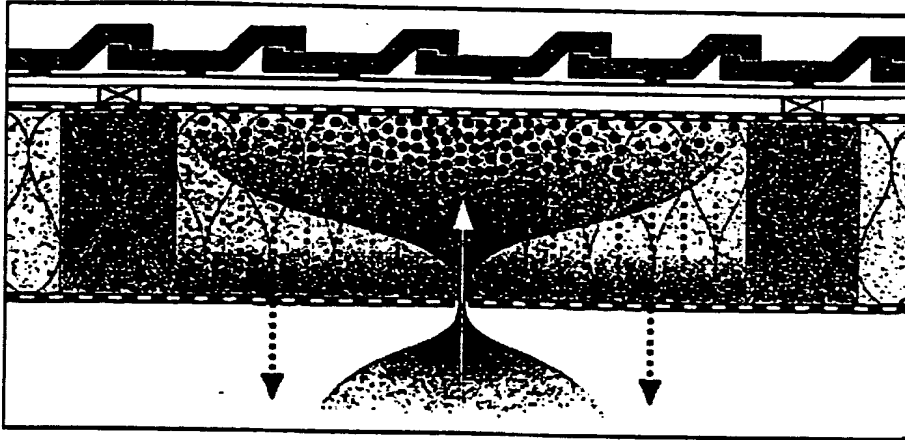
Damming protection layer  
 Teilsparrendaemmung  
 Luftdichtheitsvlage vapor barrier  
 Sources:

The specialized rules of the Dachdeckerhandwerks, timber construction manual building physics, in: Explanation concerning the DIN BBB00

The most frequent Ursache(ueber90olo) all building damage is convection (air flow) due to Luftundichtheiten: The penetrating air-transport humidity into the insulation, cooled down there to condensation water loss leads. With one per clima air seal leave themselves Convection damage reliably and durably vermeiden.

So far ensured Teilsparrendaemmungen (by the funktionierende backing ventilation) for that relatively good evacuation of the convection humidity. The missing Daemmschutzschicht but increased at the same time the danger of one reduced heat insulating efficiency.

With introduction that new Waermeschutzverordnung became Vollsparrendaemmungen standard. One bad air seal is with this construction frequently the cause for cost-intensive and extensive building damage.



By one Vapor barrier koennen up to 5g/mz per day humidity into the construction diffuse. In the comparison to it penetrates through one lmm spreads and 1m long joint in the Dampfbremse 800g humidity into the thermal insulation. By the use a diffusion-close vapor barrier (z. B. PE foils) a Reduzierung takes place the diffusion of humidity into the construction. However those becomes Austrocknungsfaehigkeit from the Konstruktion strongly reduced. This is particularly with diffusion-close

Unterdaechern (z.B.Bitumendachbahnen, sheet metal roofs, dichten Unterspannbahnen) of importance.

Penetrated one Humidity can drain neither outward, nor inward:  
The foils become too regelrechten dampness traps.

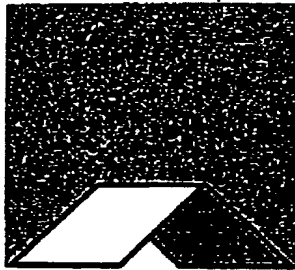


diffusi Unterdaechern

Vollsparrendaemmung

Air seal Vapor barrier

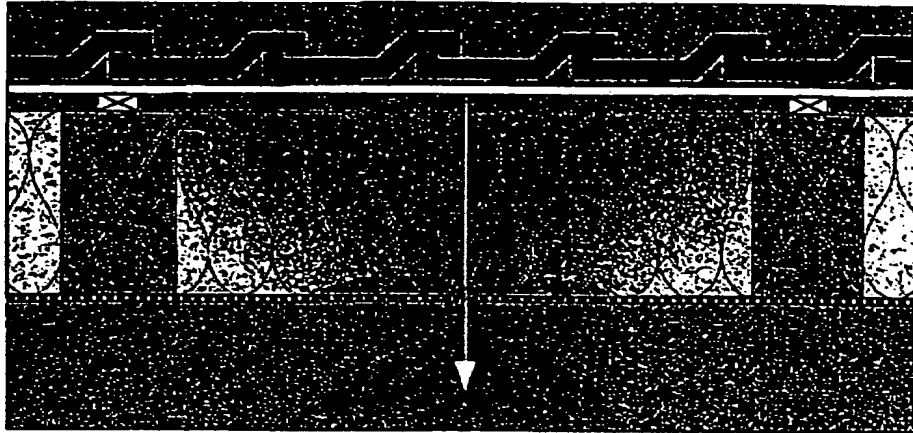
06 - 6.99 per clima hermeticness



per clima

Pleasant room climate also in the winter





Vollsparrendaemmung

Luftd6 AG

An insufficient Luftdichtung leaves cold air from the outside by the insulation in the warm Interior penetrate. It takes place a drainage of the room air.

A cause for it is: cold air can fewer waters aufnehmen than warm contains and therefore one smaller absolute amount of moisture. If the cool air is warmed up, one develops very dry room air.

Houses with one unsatisfactory air seal bend therefore to a too dry Innenraumluft. Also Humidification devices can here only little remedy create.

An arithmetical example: Room air of -10°C contains z in the cold condition. B. 80% relative Air humidity. A Erwaermung on +20°C decreases the air humidity up 9,9 % (instead of 80010).

Feuchteverhalten Cooling and heating up of air

Standard winter climate after DIN 4108: Interior temperature: +20 °C maximum air humidity: 17.3 g/m<sup>3</sup> relative Air humidity: 50% => absolute air humidity: 8,6591M3

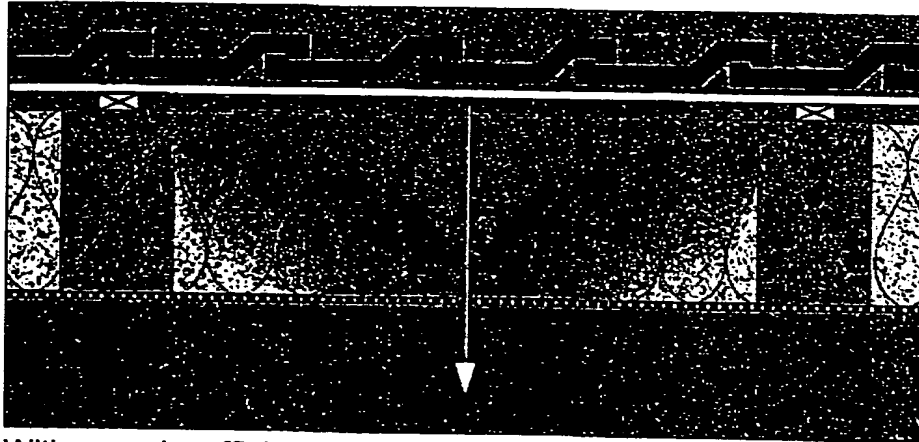
Standard winter climate after DIN 4108: Interior temperature: +20°C maximum air humidity: 17.3 9/m<sup>3</sup> absolute Air humidity: 1,7g/m<sup>3</sup> \_> relative air humidity: 9.9 0/o

Both sizes become from the temperature conductivity  $\lambda$  (relationship thermal insulation to Waermespeicherung), the construction unit thicknesses and their arrangement errechnet.

A condition is those, acceptance that the warmth must forge ahead pore for pore inward (how with the K-value in the winter).

Vollsparrendaemmung

Air seal



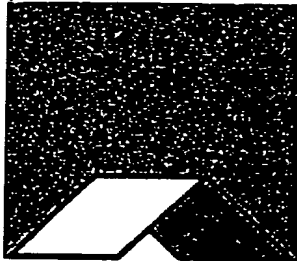
With more insufficient Air seal flows the warmth into the insulating material and reduces the to order standing Daemmschichtdicke substantially.

The consequence: Those tatsaechliche phase shift is substantially shorter and the tatsaechliche Amplitude absorption substantially smaller than the calculated values.

The warmth reaches the dwelling faster and the rise in temperature is noticeably stronger.

per clima Luftdichtheit

6.99 - 09



per clima '

per clima realizes Hermeticness approximately perfectly, ecologically and economically. Also per clima Luftdichtungsbahnen is it for the first time possible, the today's knowledge conditions over Avoidance of Waermeverlust and building damage in ecological way practically to use.

Per clima Luftdichtungssystem ensures a optimale function mode with all admitted Daemmkonstruktionen. The hermetic courses are practical and with einfachen means briskly, surely and durably durable to shift (without Pressing borders to angrenzende construction units). Details even komplizierte leave itself also per clima conceivably simply and reliably hermetic.

The production of the Paper and the flame retarding Impraeignierung from ammonium salts takes place in a closed cycle. The natural Latexkleber and the finished Polyethylene are loesungsmittelfrei. Their order does not cause Emission development. The ammonium salts are well-known as plant fertilizers and become z.T. as food additive (Poekelsalz) uses.

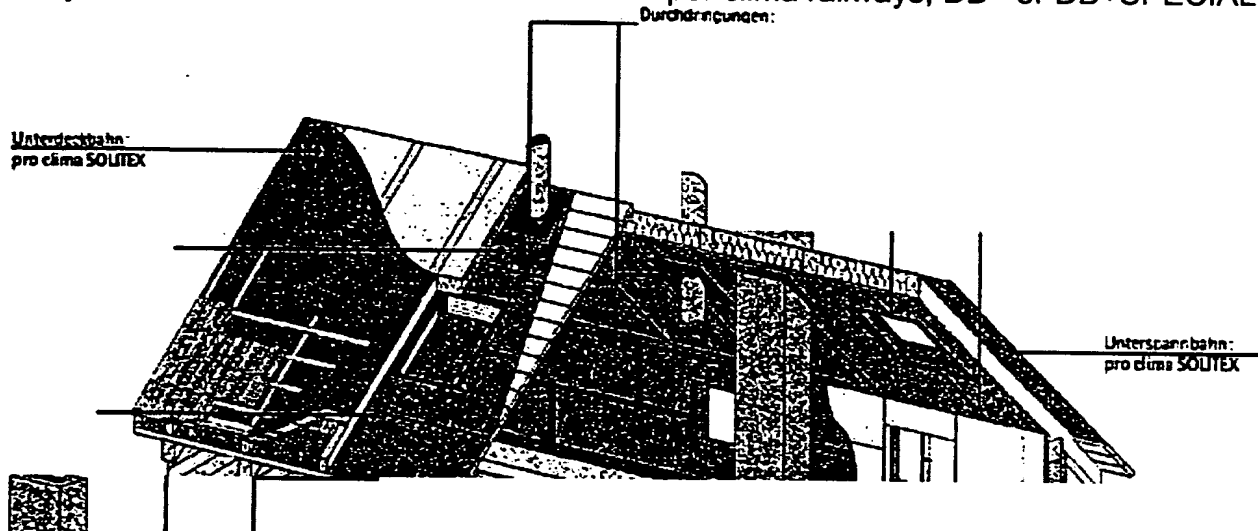
Per clima. Overall system

Aufdachbahn: Luftdichtungs- und steam brake course per clima DA+

\_ impacts: Gluing with doppelseitigem tape per clima DUPLEX

per clima Seals, sticks together with Luftdichtungskleber per clima COLL or also Tape per clima ELASTO

Air-you-do Air seal and steam brake courses per clima railways, DB+ or DB+SPECIAL



Verklebung

also per clima COLL or with tape per clima TAPE and/or. per clima RAPIDLY

Connections: Steam brake strip per clima DS 14+ or DS21+, sticks together also per clima COLL

Impacts:

Gluing also Tape per clima TAPE, ELASTO, RAPIDLY or DUPLEX

per clima SOLITEX WA

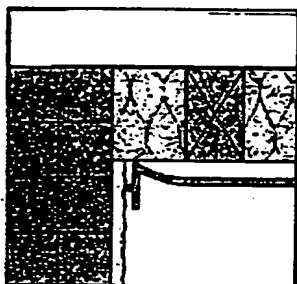
Abklebung Steam brake strip per clima DS 14+ or DS21+, sticks together also per clima COLL. Or tape proclimaTAPE and/or. per clima RAPIDLY

I-foermi gluing also per clim@TAPE PROFILE in angles and corners

10-6.99 per clima hermeticness



Per HMA Luft dichtungssystem for kostengaeistiges building and optimal ZL&verlaessaegkeh



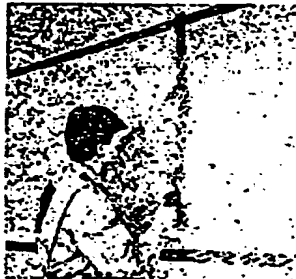
Connections on Construction units without pressing border: economically, surely, simply  
 o per clima COLL, the Universalkleber for all connections to adjacent construction units.  
 . Also holds Humidity and dusty undergrounds, fill out unevenness in the Untergrund  
 and a durable sealing ensures.  
 . None Pressing border, no aufwendiges screwing and pegs. To over 60% Saving of  
 time for the production of that connections.  
 .Appraisal for Usefulness and usefulness as well as hundreds of Blower door  
 measurements certify the optimal suitability per clima hermetic system.



Sealing of Impacts and laps: reliably, economically. per clima Special tapes supplement  
 the Verbindungstechnik also per clima COLL perfectly. o the market novelty per clima  
 TAPE PROFILE offers by the divided trennpapier the ideal connection type for angles  
 and corners (z.B. Window).



. That High-speed tape per clima RAPIDLY offers with einfachen impacts and Ueberlappungen enormous cost savings.

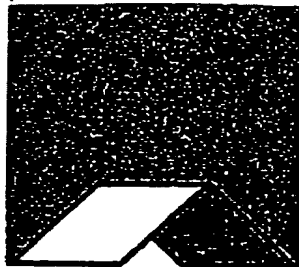


Been suitable for Holzwerkstoffplatten, steam brake foils and stick.  
The replacement of the Trennpapiers is void, since the volume is wound on itself.  
To over 70% saving of time.



per clima Luftdichtheit

6.99-11



per clima°

Per clima

Lu D tichtunassystem for the effective Waern"ledaemmung  
in roof, wall and Soil

surely, ecologically and economically

For the owner,

or itself for one optimal thermal insulation, which saves energy and costs, decides. or  
Building damage in the Daemmbereich with regard to the future vermeiden wants.

or value on pleasant room climate in the winter puts a good summer to federation  
warms.eschutz to have would like.

For the architect, OR one customers perfektfunktionierende, safe and wirtschaftliche  
Solutions for the air seal (of roof, wall and soil) to recommend would like. or its  
customers zusaetzlich for the environment,

the certainty of one unbedenk odenn only an optimal Waerme  
lichen and ecologically verant insulation leads to one  
word-conscious Wohnatmo weakening greenhouse =

sphere offer wants. effect: by saving  
of heating energy and thus verminderter C02-Freisetzung.

For the craftsman,

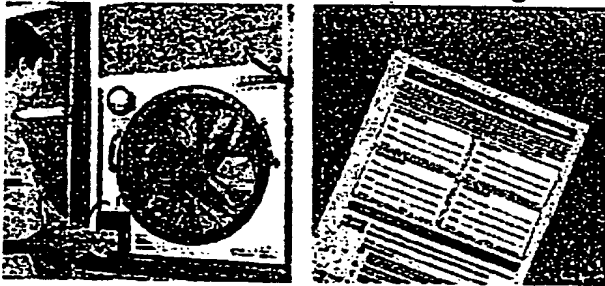
or of one Luftdichtungssystem expects that it him in shortest time a thorough  
achievement relating to crafts ermoeeglicht.

Practice-worked satisfactorily per clima sealing sheets ensure a brisk, safe and  
kostenguerstigeVerlegung with simple means.

Qlla9it5tssicherung

The adhesion for one mangelhafte air seal knows with a covered lack and Are to blame  
for themselves up to 30Jahreveraengern. The qualitative Acceptance by an  
examination causes that dieVOB and/or the BGB Verjaehrungsfristen apply.

The examination that ausgefuehrten hermetic work is a crucial Serviceleistung of the  
Craftsman. With per clima WINCON for this an efficient stands, handy and low-priced  
fan test equipment to the en. adding.



The function mode been based on a simple principle:

Per clima WINCON produced in the building and makes a negative pressure possible  
seeking out of Air leakages.

The processing plant erhaeltso the possibility of controlling its implemented work and if  
necessary to improve.

With construction supervision and Owner takes place thereby a qualitative acceptance.

In this Folder of represented circumstances refer to the conditions of the current  
Research and the practical experience. We keep ourselves changes that recommended  
constructions and that processing as well as the advancement and the associated  
Qualitaetsaenderungen of the individual products forwards.

We inform you gladly over the aktuellen technical level of knowledge at the time of their  
Order.

You per clima Partner:

Further one Information documents receive you with your specialist dealer.

Moll

build-ecological Products GnibH Rhine Valley route 35-43

68723 Schwetzingen

12 - 6.99 nm rimn I uftrlihthPit

nip I Intrrlanpn cirri urhehPrrechtlich ne5chbtztJPdP kind rlprvpniiPlf91timinn  
nm r1in n ict pin PinnpranPnpC W7rPn7Plr hPn

LARGE ONE BOCKHORN MORE

SCHUMACHER

80 years OF service

EUROPEAN PATENT & TRADEMARK

ATTORNEYS PATENT

&RECHTSANWALTE

MUNICH - MEALS - LEIPZIG - ALICANTE

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miner E

\*

Conwawf

EPO - Munich

17

European patent office

Erhardtstrasse 27

80298 Munich

01. August, 2003

Munich, 1. August  
2003

European patent 96909977.9-2303/0821755 4, P o.g, 03

applicants: Fraunhofer Society to the promotion of the applied research e. V. Our  
document: E 78491 EP (BONF)

On that Intermediate answer of the objection department and the last writ of the Ein  
speaking Moll of 11 We take December 2002 for the preparation of the verbal  
negotiation how position follows:

1. Obvious prior use I explanations in lieu of an oath

Also with that the proof of the obvious prior use goes to further remarks wrongly. In  
remaining even decreasing/going back becomes by collecting main, more again, on the  
a-speaking Documents, i.e.

D D12 D D13

per clima circular, December 1996

Folder per clima "hermeticness - the condition that the thermal insulation really dams",  
from June 1999,

pointed out that those Remarks of the a-speaking - auszudruecken around it really carefully - are most contradictory, which for the appreciation of the Erklarungen in lieu of an oath reliably to remain insignificant might not.

Forstenrieder avenue 59      FrOhlingstr. 43A      Zimmerstr.3      Poseo Expl. De  
Espono NO, 1,4-Izda  
D-81476 Muenchen    D-45133 Essen      D-04109 Leipzig      ES-03002 Alicante  
Tel. +49 (0)89 - 745541-0    Tel. +49 (0)201 - 84230-0    Tel. +49 (0)341 - 1495860    Tel.  
+49 (0)89 - 745541-0  
Fax +49 (0)89 - 7593869    fax +49 (0)201 - 84230-20    fax +49 (0)341 - 1495868    fax  
+49 (0)89 - 7593869

LARGE ONE - BOCKHORN - MORE SCHUMACHER 80 Years OF service

The in lieu of an oath Insurance D4a and D6a of the Mr. Moll and Dr. Lusky are to prove that it itself with according to explanation until 1995 of the company. Moll refugee "B.I. Steam brake pasteboard reinforces "and the vapor barrier" available starting from 1995 per clima DB+ "around the same article acts. To it exist after this-lateral view nevertheless substantial doubts.

On the one hand infers one the so far only, "B.I. Steam brake pasteboard reinforced "charakterisierenden Block letters D1 under the heading "technical data" that it itself this pasteboard around one with a "weight" of 195 g/m2 acts. From that Insurance of Mr. Dr. Lusky and Mr. Moll surrender however that there of a Dampfbremse with a total strength of 185 g/m2 the speech is. If the vapor barrier after DL and those the inspection report D3 allegedly at the basis lying vapor barrier "per clima DB+" itself only by the 1995 changed name to differentiate is (like it beside the Versicherungen D6a and D4a also in other places on the part of the a-speaking in the course of the procedure ), is correct this difference was maintained already thoughtfully. Became obvious the technical composition in the course of the time nevertheless changed, so that of it to go out it is that the inspection report D3 from the year 1998 obviously another vapor barrier was the basis than that one, which is specified in D1. This assumption is confirmed also still by the fact that the value indicated in DL for the equivalent Luftschichtdicke (2.30 m) in the inspection report D3 for none the measurements one reached, even the average values lay for different Dampness ranges not approximately, where they should lie after the D1. With the measuring accuracy might here at least with the average values this discrepancy not to explain its.

The explanations of Mr. Moll and Mr. Dr. Lusky, those obviously wording-moderately adapted is, it is to be taken on page 2 in each case that allegedly the vapor barrier of Beginning of their production on material-moderately invariably manufactured and accordingly also invariably into the trade to have been brought is (so Number 5 of the explanation by Mr. Moll and Ziffer 5 of the explanation by Mr. Dr. Lusky). These explanations are disproved however by document of D12. In this of the company Moll published circular, concerning the vapor barrier per clima, it is already put out on page 1 that the steam brake pasteboard on the one hand is it was continued to develop regarding

-2

LARGE ONE - BOCKHORN - MORE SCHUMACHER 80 years OF service  
their Dampness sensitivity clearly improved its and also the firmness that  
DB+ (steam brake pasteboard reinforced) is to have been substantially increased.



Also on page 2 of Document of D12 one refers to this advancement, wobei in particular dampness sensitivity to have been improved is. Also for the coming thing Years, an improved steam brake pasteboard is thus announced to 2000.

On page 4 of the Circular becomes finally in connection with an damp-adaptive Vapor barrier thereupon-pointed that the steam brake pasteboard per clima DB+ in moisten climate a Sd of approx.. 2 m to exhibit is. Furthermore becomes thereupon-pointed that one with the indication of the Sd-value of 2,3 m with all Computations on the safe side to be should.

The folder per clima in accordance with D13 it is to be finally taken on page 7 that sd-Wert for the drying range approx.. 3 m and for the dampness range approx.. 0.8 m amounted to is.

Therefore arises from the circular from 1996 that the steam brake pasteboard against the remarks in the insurance in lieu of an oath very probably continuously weiterentwickelt became on a sd-value for the dampness range of approx.. 2.0 m, that schliesslich for the steam brake pasteboard from 1999 on 0,8 m one lowered. Of therefore the remarks are not in the explanations in lieu of an oath comprehensibly.

Furthermore arises, that the inspection report of the material research and test institute of 09. June 1998 in all probability differently constituted steam brake pasteboard were the basis (see also brochure "per clima" in accordance with D2 with a sd-value of 0,8 m, up Page 5).

After all that is to assume the steam brake pasteboard after Moll at least up to the year 1998 within the dampness range a Sd-value exhibited, that outside of the range of the Requirement 1 of the controversy patent lies. Therefore it is missing alone already to Facts of the prior use.

So far itself those A-speaking now on document of D11 appoints, then it results that those Measured values from measurement to measurement substantially deviate and an enormous Spread

LARGE ONE - BOCKHORN - MORE SCHUMACHER 90 years OF service exhibit. This can for example on the basis the first and third measurement of the Probennummern 510/1 until 510/5 is occupied, where for wet cup 50/93 of % values of 1,33 and 0,65 and for the third measurement within the dampness range 61/80 of % fair values of 1,95 and 0,85 ermittelt became. Here it is interesting that only the third measurement concerning Amoniumnitrat in the dampness range of the requirement 1 of the controversy patent lies, but to one middle sdWert of 1,4 comes. The measurements show thus that those Steam brake pasteboard during the use very strong fluctuations of the Vapor diffusion resistance is subject. This also occupied by those Measurements in D11 for the drying range concerning the samples 510/6 to 510/10, where sd-values between 7,44 and 8,64 for the first measurement and sdWerte itself between 1,11 and 2,53 for the second measurement for the drying range result in. Only one of altogether 10 values lies in the desired range from 2 - 5 m.

The samples 510/1 - 510/5. in dry cup in the fourth measurement sd-values show around 1,9 and lie likewise outside of the stressed range. The same applies to measurements, with those a relative dampness adjusted of 40 - 61 % by Amoniumnitrat became. Also the sd-values determined thereby lie by the majority far below the stressed range, what also for the sd-values with a relative Dampness between 61 % and 80 % is present.

The measurements to that Samples 510/1K - 510/4K are individual values, those likewise not all in are appropriate for stressed range. These individual values are for the material Characteristics of the steam brake pasteboard in the use without logical value, there for this several measurements as of the samples 510/1 - 510/10 would be necessary (see also DIN standard).

If those A-speaking for this implements, these to low results of document D11 are possibly to be due to measuring errors, then however that can Einsprechenden not to be also granted that it from a multiplicity contradictory Messergebnisse finally for it the positive Results of measurement "herauspickt". Either the steam brake pasteboard does not have reproducible steam brake characteristics, as the Messergebnisse proves or the results of measurement of the inspection report are incorrect and would be then also not usefully. It would not be then also the entire inspection report usable, since errors would not be to be limited then.

4

#### LARGE ONE - BOCKHORN - MORE SCHUMACHER 60 years OF service

All in all shows in addition, document of D11 very clearly that the steam brake pasteboard after Moll most inhomogenous and irreversible behavior shows, so that also Dokument D11 the the subject of the requirement 1 of the controversy patent does not anticipate, sees one once without this of the fact off that it itself not around publicly accessible document acts.

Which finally that Inspection report D3 of the material research and test institute Leipzig concerns, thus this originates from 1998 and notes a sample entrance of 17. March 1998. It is not evident, to what extent this inspection report at all Obviousness and prior use to occupy should.

Apart from it, that the boundary conditions for the Feuchtemillieu, selected in the inspection report, results in the verschiedenen does not have a purchase to the Feuchtemillieu in accordance with controversy patent Examinations however also again most deviating values. Regards one besides the fourth examination, those with a Feuchtemillieu of 55/75 % for those relative dampness anspruchsgemaess next lies, then a sd-value results, averaged with 1,6 lies. The inspection report occupies thus even most apparently that the steam brake pasteboard after Moll outside of the stressed Range lies.

#### 2. Pressure-written state of the art

Here those appoints itself A-speaking considerably on document of D7 under further Bezugnahme on that Folder "Hygrodiode" in accordance with document of D8.

Document of D7, thus the EP 0,148,870 BI describes a vapor barrier, which dampf-dichten from two and/or. steam-impermeable external foils is formed (see Requirement 1 and/or. Column 7. lines 1 to 3) and an water-absorbing, centrically between the two Foils angeordnete layer exhibits, which is porously arranged (column 3 line 26) and a high Wasserabsorptionsvermoegen exhibits (column 3, line 29). Those both steam-close external foils are provided with a multiplicity of openings, those are to each other transferred.

#### LARGE ONE - BOCKHORN - MORE SCHUMACHER 60 years OF service

The increase of the Vapor diffusion resistance, like it in column 5, lines 14 to 21 this Document described it is been based on the fact, that the centric layer all by the

openings of the two layers through-diffusing lying outside Water absorbed (see Column 3, line 62 to column 4, line 1). The middle Layer represents thereby a Speicherschicht and is therefore also accordingly thickly laid out (see thickness of 7 mm in column 3, line 39 to these Block letters). A completely unterschiedliches therefore concerns Operational principle in relation to the article of the controversy patent, by the Dampfsperre material and volume conditionally are designed for water absorption and storage and dampfdichte foils with appropriate openings to be provided, so that humidity admission into the memory layer is possible. In contrast to this becomes patent in accordance with straight not a storage medium with an appropriate volume ready posed, vielmehr the vapor barrier becomes on a regulated Dampness exchange adjusted, with that it to suitable opening and reasoning the foil arrives. These measures are not to be inferred from the document of D7. Also the characteristic of the vapor barrier after D7 unterscheidet itself completely of the patent-in accordance with-eaten characteristic. One would for example take from document the D8 entnehmbaren vapor diffusion resistance value from 20 m, so wuerde those Vapor barrier this diffusion resistance constantly keep up, to the memory Water filled is and only then, thus with 100 % in the condensation range, falls suddenly the vapor diffusion resistance downward. Due to its is able Document of D7 the specialist not the smallest note for an damp-adaptive To give vapor barrier in accordance with controversy patent.

So far document of D8 by the a-speaking it is included, is to be considered that there none other behavior than in D7 is described, rather over the entire Humidity range up to the condensation, thus filling of the memory also Water, which konstante vapor diffusion resistance of 20 m remains. Besides the a-speaking until today missed, the pressure date of this folder to communicate. Only the information of the objection department becomes on it referred to that B. Senate of the Bundespatentgerichts in the locking verbal negotiation of the German parallel patent 195 14 420 found out it has that the also there imported folder in accordance with document of D8 a pressure date from the year 2000 carries. This folder became at that time of the Einsprechenden submitted, is thus dated on the year 2000. It is amazing that so far none

LARGE ONE - BOCKHORN - MORE SCHUMACHER 80 Veors OF service appropriate Rectification by the a-speaking in the available Einspruchsverfahren one made.


Only at the edge is marked that the German parallel patent 195 14 420 despite more gleichlautender Holding out (including alleged obvious prior use) through the in-speaking Moll by two instances through invariably upright it was received (whereby B. Senate the maintained prior use actions not to examine had, since it subordinates it to favour of the a-speaking has and nevertheless to a Zurueckweisung of the objection came).

3. To the question that Aufgabenhaftigkeit and/or. Feasibility

Here we close us the remarks of the objection department on, itself in all other respects with those B. Senate of the federal patents court in the affair of the parallel patent cover. To consider it is that for the supply of Vapor barriers zustaendige specialist (building material chemist or building physicist) on that Search for a solution the controversy patent of the underlying problem without further the possibility had, itself in the technical literature accordingly too inform, around appropriate Diffusionswiderstandswerte for suitable To find out Materialien. This could also the senate of the Bundespatentgerichts

by a set of literature places, those occupy by the a-speaking in the procedure as voucher for the fact it was introduced that Vapor diffusion resistances for the drying range and dampness range different Materialien generally admits was and therefore the vapor barrier to be if necessary accordingly adjusted could. It is foreseen davon, the einspruchsverfahren with these further literature places to ueberfrachten. It is furthermore substantial that in the controversy patent in the requirements corresponding suitable Materialien is already put out and also in the description with the measuring method in accordance with according to DIN 52615 measuring procedures are mentioned, the samples with stressed ranges of values to be determined can. In Patent claim 1 of indicated characteristics are exhausted also not in the Umschreibung the controversy patent underlying task, but set the realization for that, LARGE ONE - BOCKHORN - MORE SCHUMACHER 80 years OF service that it materials also of the environment dampness gives dependent Wasserdampf-Diffusionswiderstand, into the teachings over, such materials as vapor barrier for the employment to To use thermal insulation. Beyond that still specific Wertebereiche becomes indicated, within those problem solution is ensured. The given Anspruch 1 is also permissible thereby and from therefore goes the relevant objection of the Einsprechenden at the thing past.

With this state of affairs the request for rejection it is gerechtfertigt objection in its entirety.

  
 J. Bockhorn  
 (Patentanwalt)

Plants:

3 double DS

Plant D12 (quadruple) Plant D13 (quadruple)

D12

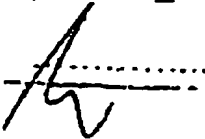
per etima - Circular

Very honoured Business partner,



. 9 ~, D,z, X99;hDezem vf..996.

Cø4i rt4m \_... .





pro clima®

we want us fit co-operation in 1996 quite heart-borrowed bedankcn. The extremely positive Feedbacks over that documentation and thereby the connected Spreading of the hermetic topic encouraged us in our concept. Also in the future our high-quality Prod is constantly weiterentwickelt, ktc and state of the art adapted.

Around further those Carrying out anise ability to increase, takes over starting from 1. January. 1997 one independent neugegründetz company the entire per clims.

Geschäftsboxaich

As into that Previous years, we support various projects instead of weihnachtsgeschenke. In this year z, H. an initiative for Waisenls more nder in Rwanda and a project to the Renatuderuztg of a Feuchtgebietes in the RheinNeckar-12aun.

As wish you and your coworkers a gesegnetes Christmas and a successful and healthy new year 1997,

With friendly Large B.I. Moll GmbH, & CO.Kg

- Lothar Moll -

on einen)31ick that Contents aro eli.mA Circular new. Firm&

In time to Turn of the year uebcnimmt the again-created Fimâ "" "Moll bntioekologische products GmbH [ "the EntwicUung, Protiiktion \_ . and that Selling per clima Frodulete.

Prices

Prices remain stably

Price reduction with Adhesive per ciima coil

Advancement

The Fcuchtwpmpf mdaechkeit is clearly improved.

The firmness that National Union of Civil Servants (Dampfbremspappe reinforced) in substantially g.increases. The adhesive per clima coll has a higher adhesive force receive.

Technology

New appraisals over, the Funktiotufaehigkeit ro clizna of the Lufdichtungssys, Ems, immediately finds you on ours Frodul ten a "t. Indication "

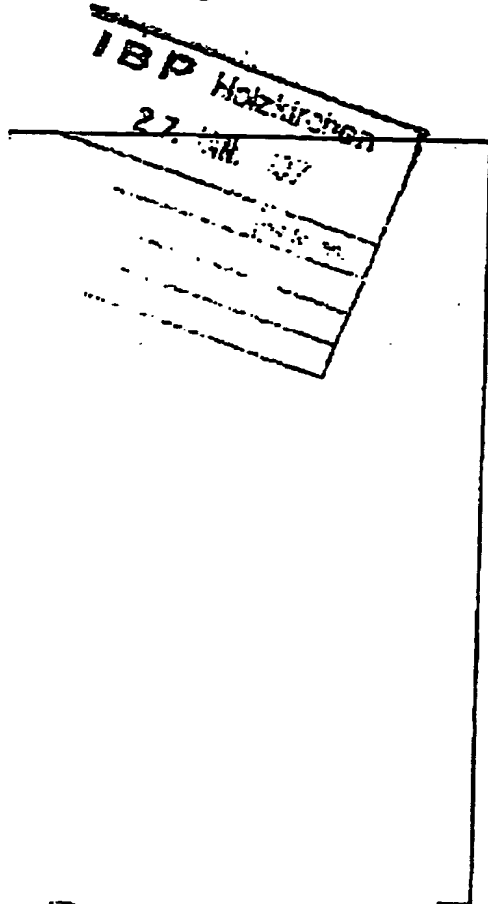
Semlnar&ngabot,

Per clima Training course calendar for the first half-year 1997

!Accessories

Advancement the professional unwind stand with a Laengenzaehiw=k. Ivtamr lled = for Tubing penetrations

air test testing set



#### Background

We reinforce over the present discussion ue r VoHsparrendaeinmung with dufi'usionsdichiem Utzterae2ch.

r.1. A4oll GmbH = Ce. Kg,:' UttluetuelatnLO ø 33 - 43, 6&723 Schwatongen

Side I

per cli Runduri

Decembers 1996



per C~lma

The hermeticness as expected for A-to tuallen the topic of the WaarmedLnmung, Mi.  
the valid waermeschutzverordmmg of 1,595 and the Veroeffdtlichurig that. Preliminary

standard to the DIN 4108 part of 7, which is occupied, auesschlialich with hermeticness, is those. Requirements on. Hermeticness finally state of the art becoming that meant that hermeticness laughs explicitly addressed or publicized become iauss, but ' da4 it with all constructions expects automatically and one demands. There the Bauheri of lack to the Lufiditht=g due to that ' cover by the inueere lining to not directly recognize can, acts it uin covers itself Mlingel, D.h. Craftsmen and construction supervision cling there \* up to 30 years long. In uebrigm it is more gcgeniiber a responsibility the environment that Windich ' energy is saved, mr discharge of the greenhouse climate and one Responsibility gcgenuebr the owner that it a pleasant room climate in the Wi more ter and in the summer and a baeuschadensteie Konstnil~tian has. lu of these Responsibility stands both the trade, the processing plant; the construction supervisor and Architek # and the owner

#### New company

We ask too note that starting from 1. January 1997 the entire business field of per clima, D.h. Development, produktionund selling of the again-created company Moll baubkologische Produkte GmbH Itinodation-Prbduktion-Vertr1eb with seat in Schwetzingen UUmommen becomes. Will change itself starting from January those, business edges im Zahlungsverkehr. The seitherigen coworkers become into nenc the society taken over and become ilnen further under you the well-known TeleiaiuTax Numbers are available.

#### Prices

Pleasing one Message over: Development of the prices. Despite gcsueegcner production costs we can keep the fvTazhfrage prices stable at present by the increased Price reduction with Adhesive per zclima cull immediately. The of new prices zzgl. MW St:

Kind.hlr. P600F                      \$chlsuchfolle 6e0 ml 13,40" M ArLNt. P300F schlauchfolie 300 ml 7.70 DM

#### Advancement

Improves clearly became those Feuchteinpfdmlichkeit per clinia B&upappen, you, Hygroscopicity, d,h. the 1~lasseraufnaFuuec erlnaegen was reduced and those Wet-strength improves. This advancement succeeded to us on without ' reductions our ecological requirement, D.h, we produce further without Flame protection means in the polyethylene and do not use A=oniumz, l:Eal of width unit (Pfla=envernichtungsmittel) and no Flalogene as l-la, mnischurzmiueel

Starting from coming drive becomes material the DE+ (steam brake pasteboard reinforced) substantial by those Use of a stronger Armierung produces. Reference '. Einblasdaemmungert is exposed the building pasteboard to a increased dampness load, if it outside coldly is not yet injected and the insulation wtude. Reason for this it is that the surface of the building pasteboard is the coldest surface in the area and thus aen this StelleTaufwasser anMt. Exactly for this Anfor dsrungen have we the new DB+ conceives.

The consistency of the Adhesive per clima roll could be further improved. Thus aind those Kohasionskraefte (adhesive force in the Mebrschicht) Im moisten condition, that so-called initial lacquer, again increased.

B.L?hi0UGmbll+Ca 1CG, Rheiatastrscssc 35-431687Z3 Sdtwetdagen

per clitna Circular \_ December 1996  
Technology



Per caema Luftdichtungssystem became du4h the FH Bochum (Pro£ Knublauch) after entsprellenden measurements be5chainigt radio tionsfiigkeit. D~s appraisal can you under the NR, 09 with us request.

One, 'weitere Ptufmg became at the FMPA in Stu long knowledge, with the Drudfdiff put on thereby, is confirmed the Taeu~ u is determined:more ater the NR. 10 A A are agdordert

Igart durchgehlht. Was confirmed also here, what -wir since er=zen (from 10 to 600 Pa) could no air passage;lichkeit the material, ' also this appraisal. k = with us

As voucher for those Reliability of our Luftdis the result of a LTinfrage at Blower Door Mes per clima equipped buildings ' very good, W officiate to etc.. actively you that Y.does unse 1 eisbutgsth[gkclt?resscspiegel over our product and the Sts, barueberhibaus a Gesazilt~ufstellting is dervetj can starting from February 1997 are ordered.

In the Zulnmft become those, per clima Roles. nu a new. Label provide. Whereupon is the "Ue" Zziehen imprinted. ;Dieses indication is that over unity, uiigsnarhweis over the usefulness of building products in accordance with the building rule list A part of 2 NR 1.3 (expenditure 9611). This is briefly said the confirmation about it, that our products in the building rule list:g. rdernten Ztugnissen correspond and as BAustoffe to be thus used can. The getraue Auc h = and the contents of the "1"["-Zelchens becomes civuah d[e Uebcreinstfmmungszeichenverordnung of the respective federation conditions regulated. have tungssysteme we a Rcferenzliste. provided. DL in is zusaitimeagestellt teems. It shows itself that all also

z obtain, Mt of this reference list \_ can)werden architect, it system convinced. It contained also still one. ad the technology within the range hermeticness ' that Building cover. ilgbaren appraisal containing. Reference list Bestrll NR.14

Zubehbr

That Professional.Abrollgerdt was developed further, to lWir offers a length speedometer delivered Abrol[gexdt~ fits.

on, also up so far

Kind.NR.' PZz LaengeAZaehlwek with Halte ae 200, - DM zzgl. VAT  
ArLXr. \$ZPNZ unwind stands with Laengermaehlw rk 380, - DM zzgl. l4n-  
vst

ArtNr, PZROLL Unwind stand o~e Laengenzaeb erk 200, l)M.zzgl. VAT  
Everything our Kunde3r, which already one per cli a special price of 13M 180, - Zzgl.  
MWSL acre

kna unreel bought have, offer the v\*ue length number work  
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Verpackungseinh aeten find you on price cunning  
more rker ours offer ~rotgefertigten seals Fae se aktiv den Verarbeitern to offer.  
- Preise and

For those Quality assurance stands further comprehensive info. brochure compiled,  
starting from Feb~

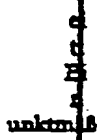
ro clima air test test genes to the Veruugung. At present one becomes uar 1997 the  
order stands.

Seminar offer

For the coming thing Year 1997 we ask more tivieder this possibility, by the topic  
T.uftdicht Daenunsysteme sell to be able.

une Vielzshl of per alima Specialized min arene. on. Use mg in the future still better  
and more purposefully ecological Z

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Qualitaetssicherungsmuenahmen and hermetic system, however those the various  
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Waermedae=ang, nbli~ into the practice of the transfer per clima Maeglichkelten of the  
offered per climaMrketings. - industrial union apart from the theoretical topics D:x  
Processing

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Page 3

per Klima circular Dez it 1996



pro clima®

The feedbacks from this SenUenarert are throughout positive. The sales over the  
quality and the authority is lastingly supported.

Behind guad

For some time disconcert publications of the institute for Fraunhofer fill building physics  
in Wood churches over VoUspwmndaemnngen difinsionsdichtem Unterdach those niit  
Building world. Therein the thesis is represented that it inevitably to one Aufschaukelung  
that.. Humidity comes, particularly with dfusiaensof%nen Dampforentseri, in addition,  
with vapor barriers. At the basis a relative is put Ranraluftfeuchtigkeit of 4060%,  
and/or.50-70%.. According to our opinion is this Dampness acceptance in the winter too  
highly. With lower itaumluftfeuchti eiten becomes the Aufschaukelung avoided

In addition, we recommend the backing ventilation of the diffusion-close Unterdachs, above all Area heights of over 600 m sea level \_ with many Konstruktionae is abex one Elinterluefung only heavily or not at all possible, like z.B.: Grasdaeoern and with throats. Totinendaechem and Bedachungen from sheet metal and slate also complicated roof forms, - like skr, straight with slate and sheet metal gladly are implemented. Fraunhofer-Institut cmpfieh for it feuchteadaptive Dezhpibrensen, those with drier room climate (in the winter) more diffusion-closely and with damper climate (summer) are more dirfusensofftnr. This bewirkt that in Winter less humidity penetrates and in the summer more again inward to drain can. A Feuchtigkeitsaeufwhaukeiung is prevented thereby

Per clima Vapor barriers have these fcuchteadaptive characteristic, like measurements with FraunhoferInstitut already 1994 showed, those per clitua DB+ had in the trock=en Klitnaa an equivalent air layer thickness of 3,8 RA and innfeuchten climate sd of approx.. 2m. We are appropriate for M'tt of the indication of the sd-value of 2,3 m with all Computations on see = side. That is, that for all standard computations :further on this value to be counted can.

Nevertheless recommend we with diffusion-close roofs from Sicherheitsgraenden a l-fmteritftung Unic rdachs.. Duich leakages in the Lvftdichiungsebcne can enormously large quantities of humidity into the construction arrive.

Some ZRfenbelapiele:

By a V13 l3itumenpappe can approx..

A vapor barrier also leaves to one sd of 50 m approx.. Per UMA DB+ with one sd of 2,3 m leaves approx. . But a joint in the Luftdichtung of only 1mn broad leaves approx..

0,1 g/m = Humidity per day diffuse. 0,5 ghu ' humidity per day difrundieren. 10 glm ' humidity per day diffuses

800 g/m joint length Humidity per day fiber convection into the Konstuktion penetrate. That means, doll also an damp-adaptive vapor barrier these quantities of humidity no more abtmzispertieren can. Therefore control is with such constructions the hermetic layer with a negative pressure measurement, z.B. with an air test or a Blower Door absolutely necessarily.

AuUrderm is erwaeht d0 when drying rafters in usual dimensions and usual one distance over

1 %/o, thus z.B. of 14 % on i3 % approx.. 100 g water per m ' roof area anW1en with 10 %lo Drying process are +mrT!erhin 1000 g or 1 litre water per m '. Around this.

Quantity inward ausdifundicren to leave, necessarily eint foil t]sit a Ubiichen sd value of 50 m approx.. 2000 days or 6 years, one per clueua DB+ also without

BerUeersichuegung of the Feuchteadaptivitaet only approx.. 100 days. Therefore is after ours Opinion diffusionsaâna building more fehlertolemnter and more

bauschadensfroier, sofc m those gueldgrn rules of the technology, like z.B, the DIN.4108 to be considered.

This diffusion-close constructions function however in principle only, if on the exterior a Holzsehalungfitumenbahn is used. Replaced one this timber formwork by a Holzm, erkstofrplauc (OSB or plywood), must one liinterlueliung to be planned, there according to DIN 410g condensation water in the construction unit remains.

S.I. Mcd GmbH + CO, rCG, jiltlnis]atmAe 35 - 43, 68123 Behwats et tgen

Side D

Ask immediately send back!

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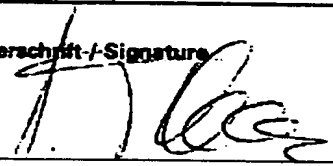
Announcing number I complaint file reference Application NUMBER appeal case  
NUMBERS N° de la demande/n° de reference you recours

Date DATE

96909977.9 - 2.3.03 OT	23.04.03	ORAL
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EPA/ EPO/OEB form

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With reference to the report in the ABI. the EPA 11/1991, 577, those is asked To  
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With reference ton the Notice in EPO OJ 11/1991, 577, you acres requested tons of  
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you document, ainsi que votre signature et de le more renvoyer immediatement ae  
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Einlieferungsstelle/Bureau de dépôt | Datum/Date  
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Empfänger der Sendung/ destinataire:  
GROSSE-BOCKHORST

SCHUMACHER

Friedenrieder Allee 59

D-81476 München

Art der Sendung/Nature de l'envoi

☒ Brief/Vorname ☒ Einschreiben  
Leitervorname ☒ Recommandé

Einlieferungs-Nr./N° de dépôt 02 3085 8891 0DE

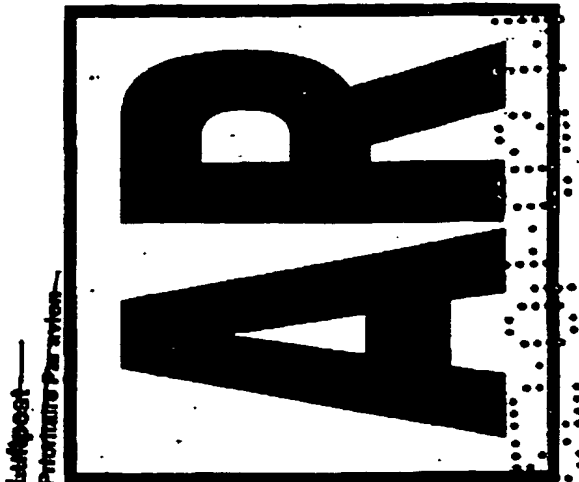
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24 April 2003

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Announcing number/complaint file reference Application NUMBER appeal case  
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Date DATE

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Aaee 59, (1)'1476 Miinchen Tel.: 0 8~4 55 41 -01 ' ax: ~118917 59 38 69

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le destinataire ou la duement mandataee by-suns

To the obliging/pleasing Attention

With reference to the report in the ABI. the EPA 11/1991, 577, those is asked To  
provide acknowledgement of receipt with receipt date and signature and to send back  
immediately to the EPA.

Please note



not charge in accordance with appear, then the procedure without you can be fortgesetzt (rule 71(2) EPUe).

Regarding that Negotiation language one refers to rule 2 EPUe. Concerning the collecting main of Authority for employees and an attorney as representatives before the EPA becomes on the report in the Official Journal 9/91, S. 489 referred.

The time, to to that writs and/or documents to be submitted can (rule 710 EPUe), is that They are asked, in time before Beginn• der• Verhandlung• with the doorman in the entrance hall to call the EPA. Hall 3473 and hall 3474 stehen as lounges to Order. Free parking lots are located in the underground parking z2L{order, however only over the entry tariff route.



For those Einspruchsabteilung plants: Acknowledgment of receipt (form 2936)

Tel. NR.: (089) 2399-2 "9 rule 2 EPUe (EPA form 2043)

~ answer (EPA form 2906) S~2

Writing also Return ticket

EPA form 2310.1PH 11.00 7051420 16/04/03

96909977.9 ORALLY4

DJO)

@ EPA/EPO/OEB D.80298 Munich M +49 89 2399-0 TX 523,656 epmu D

FAX +49 89 2399-4465

European European Office europ6en

Patent office Patent Office brevets

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Sartorius, Peter, Dipl.Ing. Sartorius - Thews & Thews p.o. box 18 73

68708 Schwetzingen ALLEMAGNE

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Date/DATE

2 3.04.03

Zeichen/Rel./Ref. Registration Nr]Application NO./Demande n°JPatent NR./Patent NO./Brevet n°.

97410 E EP/MK02 OPPO 01 I 96909977.9-2303/0821755

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.

CHARGE TO VERBAL NEGOTIATION IN ACCORDANCE WITH RULE 71(1) EPUe

Hereby you become to the verbal negotiation in things of the obengenannten European patent loaded.

Those which can be discussed Articles are in this charge attached the Bescheid (EPA form 2906) called.

The public verbal negotiation finds instead of before the Einspruchs department

\* to 18.09.03 around 09h 00 o'clock in hall NR.3475 of the EPA Bayerstr.34 \*  
PschorrHoefe, D-80335 Munich

Changes of the Date of hearing are not possible, except in begruendeten special cases  
(see AB1. 10/2000. S. 456). They should

not charge in accordance with appear, then the procedure without you can be fortge-  
setzt (rule 71(2) EPUe).

Regarding that Negotiation language one refers to rule 2 EPUe. Concerning the  
collecting main of Authority for employees and an attorney as representatives before the  
EPA becomes on the report in the Official Journal 9/91,  
S. 489 referred.

The time, to to that writs and/or documents to be submitted can (rule 71a EPUe), is that  
They are asked, in time before beginning of the negotiation with the doorman in the  
entrance hall of the To call EPA. Hall 3473 and hall 3474 stehen as lounges to Order.  
Free parking lots are available in the underground parking, however only over the entry  
tariff route.

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For those Einspr\*Uchsabteilung plants: Acknowledgment of receipt (form 2936) Tel.  
NR.- (089) 2399 2.1 V e rule 2 EPUe (EPA form 2043) answer (EPA form 2906)

~~\_\_\_\_\_~~

Writing also Return ticket

EPA form 2310.1PH 11.00 7051423 16/04/03 96909977.9 ORAL 4



Answer/minutes (Anlage) Communication/Minutes  
(Annex) Notification/Procues verbal (annexes)

Date Blatt announce NR.:

Date 23.04.2003 sheet 1 Application NO.: 96 909 977.9

Date Feuille Demande n°:

1. Documents

In this Einspruchsverfahren were called the following documents: D1: brochure  
"8.1.Nature Dampfbremspappe reinforces ", B.I. Moll, 1994 D2: brochure "per clima",  
Moll GmbH, 08-12.98

D3: Inspection report, Material research and test institute for the building industry  
Leipzig e.V., 09.06.1998

D4: explanation by Mr. Moll, Moll GmbH, 01.08.2001

D4a: In lieu of an oath one Explanation by Mr. Moll, 12.12.2002 (\*)

D5: explanation and confirmation of Mr. Kraemer, Fislage kg, Merseburger packing  
GmbH, 31.07.2001

D6: explanation by Mr. Dr. Lusky, product development and product service,  
02.08.2001

D6a: In lieu of an oath one Explanation by Mr. Dr. Lusky, product development and  
product service, 23.10.2002 (")



D7: EP-B-0148870

08: brochure the "HYGRODIODE duoactive vapor barrier.", Icopal GmbH, 1992

D9: WHERE 85/00188

D10: Calculation of B.I. Moll GmbH & CO. Kg at Mr. Roland Gieser, NR. 911723, 25.11.1991 D11: Test report of the institute for Fraunhofer for building physics, wood churches, of the 11.08.1994 (\*)

(\*) these Documents became with the letter of the 11.12.2002 of the a-speaking submitted.

2. provisional ones Opinion of the objection department

2.1 those Documents D4a, D6a and D11 are permissible.

2.2 also under Consideration of the evidence D4a, D6a and D11 submitted last is not clearly proven that an article in accordance with requirement 1 obviously used is.

2.3 in all other respects on the provisional opinion of the objection department, stated in the answer of 26.09.2002, referred.

EPA form 2906 01.91CSX

jo a4w))

Answer/minutes (Anlage) Communication/Minutes

(Annex) Notirication/Procoes verbal (annexes)

Date Blatt announce NR.:

Date 23.04.2003 Sheet 2 Application NO.: 96 909 977.9

Date Feuille Demande n°:

3. verbal ones Negotiation

3.1 in accordance with that Request of the parties is fixed a verbal negotiation.

3.2

In the verbal Negotiation will have to be discussed whether the obvious use one considers,

the article of requirement 1 regarding mentioned above documents new and inventive is (articles 52(1), 54, 56, 100 A) EPUe), and whether

in accordance with invention Requirement 1 (articles 83, 100 b) EPUe) so clear and completely revealed is, that a specialized person can implement it.

3.3 it becomes pointed out that in accordance with rule 71 A EPUe, writs for preparation that verbal negotiation up to 1 month before the negotiation to be submitted can.

EPA form 2906 01.91CSX

European Patentamt European patent Office Office europeen brevets

GD2 - Einspruch DG2 - Opposition DG2 - opposition

Announcing number: 96 909,977.9

Patent number: EP-B-0821755

Preparation of one verbal negotiation - instructions to the support service in above

Patent is accomplished a verbal negotiation

1. too discussing articles are mentioned in the plant (form 2906)

2. sending off the charge with form 2008/2310 to the involved ones to the following date:

Day 18.09.2003 time 9:00

ROSY

~1 O'b hall l~~ gebAtt C..

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ORALLY codes 1.2.3

..... Date indication

2.1. case none Hall is available, is the department with form 2088 to be informed

2.2. writes the involved one for the preparation of the verbal negotiation can up to 1 month (E)

the day ago that Negotiation to be submitted (transfer on form 2008.1/2310.1)

2.3. coding of ORAL(4) ~2

coded

Date indication

2.4. sending off of form 2008.7/2310.7 at department to

Notification over-agreed Tag ..... rx -..... \*\*\* 1\*\*\*1\*\*\*1 \*\*:\*\*\*\*\* Date indication

10

EPA form 2040 (sheet 1) 11.000SX

European Patentamt European patent Office Office europeen brevets

GD2 - Einspruch DG2 - Opposition DG2 - opposition

3. El supply the following special equipment in the meeting room:

Date..... calibrate

4. requesting the simultaneous interpreting with the translating and interpreting service, to the extent necessary

Date indication

5. re-submission the document to the assigned examiner with form 2041 (15 Days before the verbal negotiation)

Date..... Indication

6. monitoring the feed of the charge (acknowledgement of receipt white/return ticket - red)

7. 15 days before the verbal negotiation:

- sending off of the document to the first examiner and

- sending off of form 2041 to the office-taken part.

..o9..La4/...0..... Date

. ROSBOROU chairmen

.....4( .....f. .. f. W....."

DEILZOR F N M L RATHER V

2. Pruefer 1. Pruefer rechtskundiges member

EPA form 2040 (blue 2) 11.000SX

DJO)

LARGE ONE BOCKHORN SCHUMACHER patent and attorneys Forstenrieder avenue  
59 81476 Munich

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L J  
Zeichen/Ref./Ref. registration NrJApplication NoJDemande n°JPatent NR./Patent  
NO./Brevet n°.

E78491EP(BO/HL) 96909977.9-2303/0821755

Anmelder/Applicant/Demandeur/PatentinhabedPropdeter/Titulaire

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.

Datum/Date 02/04/03

Report that Entry of changed data concerning the representative  
(rule 92(1)h) EPUe)

Request in accordance with became for European Patentanmeldung/das europaeische  
patent the data over the representative changed in:

LARGE ONE BOCKHORN MORE SCHUMACHER

Patent and Attorneys Forstenrieder avenue 59 81476 Muenchen/DE

The change becomes in the European patent register registered and in the European  
patent sheet (1.12/11.12) published.

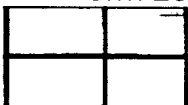
Formal specialist Tel.NR.: (089)2399



EPA form 2548 08.85

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27/03/03



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Patentanwdlfe/Potent Attorneys Rechtsanwaefte/Lowyers

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Dipl.- Ing. Wolfgang Large one (Pa • Dipl.Ing. fvtarfln Ivaesselhom (M

72 Dipl. Ing. Josef Bockhorni/ M. Dpl, Ing. Thilo Raible1 M

Dipl; Phys. Dr. Peter Palgen (E • Dpl: Ing. Silke RDflie (L

11-a March 2003      Dipl.Phys. Dr. Refuge Schumacher/E      Ute of large ones/M  
Dipl.Ing. Dr. Christian long/ company,  
DplAng. W, Herrmann Trentepohl/ E ' Dipl.hig.Johannes Dieterle1 L  
First by fax. 089/23 99-5148      Dipl.Hg. Dr. Mchael miner (E,      \_      I mirt.;  
EUROPEAN PATENTAMT \*      \_

72

- legal department -      1Maerz 2 0zi z. Hp. Mr. Chistae  
D - 80298 Munich

21. März 2003

2  
Meal

Meal

6. March 2003

Registration of a union

Europäisches Pate  
München  
ntamt

Dir. 5.1.1

Telefax

bae.RK ig;      u, acre-'shilre, Confirmation

Dear Sir Chistae,

we refer up just the long-distance call led between you and the signer. First the signer had pointed out that (1) itself the two Patent law offices Hermann Trentepohl, large ones, Bockhorni & partners and Palgen, Schumacher & colleagues to a new partnership zusammengeschlossen have under the designation

LARGE ONE MORE BOCKHORNISCHUMACHER

and that (ii) due to this union of the Kanzleisitz in Bochum of the former Patent law office Hermann Trentepohl, large one, Bockhorni & Partner in the Essener office of the new partnership was integrated and that (iii) Mr. Patentanwalt Dipl.Ing. Josef Bockhorni at the Munich Kanzleisitz is active. Before diesem Background may ask we you - as agreed - now for the following:

Register please It the union

LARGE ONE MORE BOCKHORNISCHUMACHER

for - as such - the following partners are action-entitled and the original of the available letters therefore with sign:

Dipl.Ing. Wolfgang Large Dipl.Ing. Josef Bockhorni

Dipl.Phys. Dr. Peter Palgen Dipl.Phys. Dr. Refuge Schumacher

Forstenrieder avenue 59 D-81476 Munich

Tel. +49 (0)89 - 745541-0 fax +49 (0)89 - 7593869

Fruehlingstr. 43A D-45133 meal Tel. +49 (0)201 - 8423&0 fax +49 (0)201 - 84230-20

Zimmerstr.3 D-04109 Leipzig Tel. +49 (0)341 - 1495860 fax +49 (0)341 - 1495868

Paseo Expl. De Espcna NO. 1.4-Izdo ES-03002 Alicante

Tel. +49 (0)89 - 745541-0 Fax +49 (0)89 - 7593869

LARGE BOCKHORNISCHUMACHER 80 years OF service

The signer confirmed however that all from our letterhead itself resulting in European representative are entitled, in patent things as European To become active representative under the name of the new union.

2. request consider with the assignment of the new registration number that the seat the union in the legal sense in Munich it is and that for those remaining addresses registration numbers with accordingly geson derter final number are assigned, so that the post office in patent things directly in each case to that arrives to correct place.

3. of the Further ones we may ask you politely, a copy of this letter also on patent registers Mr. Rasenburg to pass on with it more bishier of us represented cases to be seized in each case and for the betreffenden past place responsible new register numbers to be assigned.

In detail are everything the past union HermannTrentepohl, large one, Bockhorni & Partner procedures concerned under the new Firmierung ' (union LARGE BOCKHORN SCHUMACHER) seizes and the post office further to the past Address is dispatched. Which of the past union the Palgen, Schumacher & colleague respectively of Mr. Dr. Peter Palgen or gentleman Dr. Refuge Schumacher represented patent things concerned, are these cases under the new Firmierung postal the same address, i.e. our seat in meals under the appropriate registration number to be assigned.

4. relative of some mandators the old unions or their Sozien given general authority may we you politely ask, that available letters in copy of the appropriate department zuzulei

ten, thereby clarified it becomes whether these old general authority has also weiterhin existence - which would be very much welcomed on this side.

5. finally we may ask you still politely, regarding the Abbuchungskonten for Office fees of the appropriate administration office in its house a further To transmit copy this letter, concomitantly in

so far those Change of name is registered. We became however large value on it put that the past account numbers remained, there from the particulars Kanzleiorten out - as before - these accounts werden became used.

We would like you on , those thank this place for your readiness very cordially that Union affairs concerned as it were central for us in To take and pass on receipt. This might in the long run also the clarity dienen and to that extent for all took part an assistance its. - for short Confirmations of the individual departments and immediate conversion would be we gratefully, there daily large quantities postverkehr between us and the EPA too master are.

LARGE ONE - BOCKHORN - SCHUMACHER 80 years OF service

They should or Their colleagues supplementing questions have, ask we for Kontakt-aufnahme with one the representatives authorized to sign of the new Zu-sammenschlusses.

Mit freundlichen Grüßen



Dr. H.  
orst Schumacher (certified representative)

Confirmation that Right of representation for the new union:  
Dipl.

Dipl.Phys. Dr. Peter Palgen

  
Ing. Wolfgang Grosse

  
Dipl.-Ing. Josef Bockhorni

  
Dipl.-Ing. Dr. Horst Schumacher  
J)

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┌  
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Large - Bockhorni & partner Forstenrieder avenue 59 81476 Munich  
ALLEMAGNE  
└

Date/DATE

15-01-2003

Zeichen/Ref./Ref. registration NR./Application No/Demande n°./Patent NR./Patent  
NO./Brevet n°.

E78491EP(BO/HL) 96909977.9-2303/0821755

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/ritulaire

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.  
SHORT REPORT

Concerns: ( ) your letter of

( ) ours Telephone call of ( ) the answer of

Receive enclosed It:\*) letters of the PajKtinhabers/Einsprechenden of the 11.12.2002

( ) Kopie(n)

( ) report:

With the request over Information.

Erner, walter Formal specialist 2972 Tel. NO.: (+49 89) 2399

( ) WRITINGS

EPA form 2911 05.02 7053400 11/01/03

SARTORIUS • THEWS & THEWS

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2002

PATENT LAWYERS -- EUROPEAN PATENT ATTORNEY

European Patent office Erhardtstrasse 27

D-80298 Munich

Schwetzingen, 11. December 2002

Patent EP 0,821,755 BI

Our indication: 97 410 E EP/sb file reference: 96909977.9

Title: "vapor barrier for the employment for thermal insulation in buildings "patentees:

Fraunhofer Society for the promotion of the applied research answer of 26.09.2002

Input of the Patentee of 5. July 2002

To the two o.g. We take position as follows to documents:

A. Request and further documents

The request up unrestricted revocation of the contentious patent becomes aufrechterhalten.

As further Documents are submitted:

- D 4a, Explanation in lieu of an oath of Mr. Moll in addition of D 4

- D 6a, Explanation in lieu of an oath by Mr. Dr. Lusky in addition of D 6

- D 11, test reports the institute for Fraunhofer for building physics of 09.06., 27.07. and 10.10.1994 as Plants to the letter of the 11.08.1994 at Mr. Moll (5 sides).

We ask too excuse that some documents in our Einspruchsschriftsatz of 2. August 2001 were inadvertently incorrectly designated.

PETER SARTORIUS, KARLTHEWS & GUSTAV THEWS P.O. BOX 18 73' 68708

SCHWETZINGEN HELMHOLTZSTRASSE 35 \* 68723 SCHWETZINGEN

TELEPHONE: 06202/97 848-40 FAX: 06202/97 848-50 [KANZLEI@PA STT.DE](mailto:KANZLEI@PA STT.DE)

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In the following one is for the designation of the documents the list in the Bescheid of 26.09.2002 considerably.

B. To the question that public prior use

As we under Cut off D of our objection writ stated, is those "Moll vapor barrier" since 1991 until today invariably in large quantities manufactured and brought into the trade.

To the proof of this Facts have we the explanations of Mr. Moll (D 4), Mr. Dr. Lusky (D 6) as well as the companies Fislage and Merseburger Verpackungen (D 5) submitted.

There it however on the part of the patentee it was complained of that the Erklärungen not on oath instead of, hand we were delivered hereby the entsprechenden

explanations in lieu of an oath of the persons concerned directly with the thing, the Mr. Moll and Dr. Lusky, as documents D 4a and D 6a, whereby in D 6a supplementing it is insured that the "Moll vapor barrier" up to the today's Day remained unchanged.

Thus is also proven that itself the inspection report D 3 of 09.06.1998 on the Moll vapor barrier refers.

Here is it irrelevantly that the examination in accordance with D 3 only after the Prioritätstag of the contentious patent was made, because after the Entscheidung "public Accessibility "(G1/92, EPA Abl. 1993, S. 277) belongs the chemical Composition of a

publicly before-used material for the state of the art, independently of whether it was already analyzed or a cause for this existed. This decision became by the decision "Vorbenutzung/PACKARD" (T 952/92, EPA Abl. 1995, S. 755) still going by ergaenzt that for that Facts of the prior use the possibility of the Untersuchung of the before-used Article are sufficient.

With this clear State of affairs were we the view that itself the collecting main of further test reports put aside, particularly itself these for the Nichtspezialisten not so easily open.

There the patentee however the relevance of the documents to the public Vorbenutzung denies and there also according to the provisional opinion of the Einspruchsabteilung no clear Evidence for the public Vorbenutzung is present, pulls we as further evidence the test reports D 11 her

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on, those in the order the companies. Moll in the months June until October 1994, thus the priority day ago the contentious patent, by Fraunhofer-Institut for building physics were provided.

For those Diffusion measurements and further investigations Institut a role became posed by approximately 50 m<sup>2</sup> of the commercial "Moll vapor barrier" to the Verfuegung. Regards one that last sheet of D 11 of 27.07.1994, then go out of the Abteilung "attempt samples without treatment" out that for the first sample of the Material within the "dry" range (3 - 50 % rel. Air humidity) that Sd-value of 8,5 m and afterwards in "moisten" range (50 - 93 % rel. Luftfeuchtigkeit was determined) by 0,73 m. With second, practically identical sample the measurements in reverse order were made, thus only "damp", then "drying", and it supplied the sd-pair 2.8 m (drying) and 0.90 m (damp). Material fresh from the factory occasionally somewhat differently than such, that behaves already under the conditions the intended use stands. One knows this phenomenon approximately of Linen table-ware cloths, their full absorbency only after the Auskochen unfold, if they longer time remained unused, or also of Bring in a car. Therefore became in that second department of measurements of material made, in that there described certain way of a damp pretreatment one subjected. the sd-pair similar to the first department of 3,8 m, determined here (drying) and 0.92 m (damp) and/or. 3.8 m (drying) and 1.5 m (damp) those falls larger Konstanz within the drying range up.

After the test report of 09.06.94 became also sd-value-intermediate stages zwischen relative Air humidities with 3 - 50 % (drying) and 50 - 93 % (damp) measured, and in different sequence at material without Vorbehandlung. For those available view arrives it therefore only on the Extremwerte.

In the following Upper view are all in accordance with D 11 determined sd-values of the "Moll vapor barrier" again arranged.

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SampleSd-value [ m ] relative air humidity of

3 - 50 % ("drying") 50 - 93 % ("damp")

1	8,5	0,73 not
---	-----	----------



2	2,8	0,90 pre-treats
3	3,8	0,92 forwards
4	3,8	1,5 treats
5	1,9	0,7 not
6	8,0	0,75 pre-treats

In the contentious Patent stresses

30 - 50 % ("drying") 60 - 80 % ("damp")

2-5

< 1

One recognizes on that first view that the samples 2 and 3 fall into the beanspruchten range, that this in the context of the measuring accuracy also for the Proben 4 and 5 applies and to attribute that the high "Trocken" values of the samples 1 and 6 to it it is that the first measurement of material fresh from the factory was made in each case. The article of Requirement 1 of the contentious patent is thus in full Umfang prejudicial as to novelty anticipated. The patentee a Beschränkung of its protection desiring should consider, then it would have for this the inventive activity opposite the "Moll vapor barrier" to prove, wobei to add it would be that those public prior use exactly the same for the state of the art counts and accordingly to evaluate is, like z. B. pressure-written prior publications.

C. Pressure-written before-published state of the art

As we under Cut off E of the objection writ stated, was the principle of Vapor barriers, those with small relative air humidity a higher Water vapor diffusion resistance exhibit as with the higher more relatively Air humidity, including its advantages from the European Patentschrift D 7 admits.

In contrast to this requirement 1 of the contentious patent formally concerns a Ausgestaltung of this Principle, according to which for water vapor diffusion resistances the those there indicated, completely determined keep ranges of values are.

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Over it, which Task hereby in relation to D 7 to be solved is, and - above all - which Advantages by choice of the certain ranges to be obtained, is the contentious To infer patent however nothing, D. h. it was so far not determined or could not be determined, on which inventive Taetigkeit the stressed theory in relation to D 7 is based, so that the diesbezügliche Examination in the available einspruchsverfahren to retrieve is.

This applies also to the folder "Hygrodiode" D 8, in which to D 7 is referred. This folder is in the appropriate German Einspruchsverfahren neither of Office still pulled by the patentee in doubts.

Now becomes meanwhile on the part of the patentee validly made, the folder D 8 is none To infer publication date. This applies and is on those to lead back unsatisfactory copies, which eingereicht in the available procedure became. We ourselves have us no more better copies, become however over the verification of the publication date of D 8 endeavor.

D. To the question of Aufgabenhaftigkeit and feasibility

Here is again to repeat that requirement 1 of the contentious Patents is exhausted therein, that the stressed vapor barrier exhibits certain Diffusionseigenschaften. A theory over it, which materials of these Forderung correspond, is that Not to infer requirement against it, D. h. the requirement is inadmissibly give upful and mediate into its entire width no teachings to technical acting.

The patentee makes on page 5 of his input however valid, the specialist is due to the measure gifts into the situation to develop vapor barriers (line 4), those shifts of a material to consist are (line 4), which the certain Diffusion characteristics to exhibit are (line 5).

With this word choice - develop, to exist is to exhibit, is - the patentee confirms almost the Aufgabenhaftigkeit. Here it is irrelevant that itself in Description and dependent requirements concrete data concerning a found Solution find, because it is the principal claim, that in this connection to Discussion stands, and this is evenly not supported by a Offenbarung, it the specialist permits, the alleged teachings ohne own complex To obey efforts.

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It is noticed that it itself in the available case not around a so-called task invention it acts on which the patentee seems to appoint itself, because these very much rare type of invention presupposes that the solutions of the task for that Obvious are to specialist directly, so that it no further data requires. This does not meet the contentious requirement 1 however offensichtlich too, as is hardly to be denied.

Also those consulted decisions of the technical Beschwerdekammern do not speak in favor of the view of the patentee.

In the case of the one-sided complaint procedure of "vinyl chloride resins" (T 14/83, EPA Abl. 1984, S. 105) became a functional characteristic (".....that one solange polymerized, until at least 60 % that monomers are converted.....") in a requirement for permissible, directed toward a polymerization procedure, erkl ert, if the specialist - who senses after - knows, what he has to do, and if those Data in the description and the examples are so detailed that occasional false results due to these data easily korrigiert will can. This requirement was set up on veranlassung of the chamber, after the original requirement, in addition bestimmte characteristics desired polymers as characteristics contained, not for guaranteeable judged became. It is obvious that the given requirement of jenes case none Praejudiz for the validity of the here contentious patent represents, and alone already because here nothing is revealed, what the specialist on the search after suitable materials helps.

Second Decision concerned "steady bleaches" (T 226/85, EPA Abl. 1988, S. 336), likewise by means of functional characteristics as well as the characteristic of the desired result to be stressed. Here became in accordance with guiding principle over that Revocation request of two a-speaking in the appeal instance as follows decided (emphasis by us):

"although Herumexperimentieren within certain limits is justifiable, must with more sufficient Revealing z. B. in a still unerforschten area or if here large technical difficulties are present - the description or the general , those supply specialized knowledge an useful Anleitung the specialist after evaluation initial Fehlschlaege or - with coincidence

attempts - with a certain statistic expectation ratio inevitably and without detours to success leads."

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This guiding principle over the revocation of a patent because of insufficient Offenbarung speaks for itself, whereby it would be to be added that in the available case no revealing is present, it permits, materials with the desired To determine water vapor diffusion resistance.

To the same Result arrives the EPA also in the case of the one-sided Beschwerde "Dieselkraftstoffe/EXXON" (T0409/91, EPA Abl. 1994, S. 653). Here had the applicant for a patent of certain coolingstable Diesel fuels with a bestimmten - unavoidable - wax content (paraffin content) stresses, whereby it that invention-substantial, characteristic characteristic was that the Teilchengroesse that Wax crystals smaller than 4.000 Nm (auxiliary request: smaller than 1.000 Nm) its should. Briefly said the crystals should be so small that them accordingly the technical task do not clog the common fuel filters, D. h. it concerned a natural, wuensenswerte also here Characteristic, those the applicant with a numerical value, which the porengroesse that Filter corresponded, had described.

The patent became malfunctioned, because in the requirement all technical characteristics were not indicated, those for the solution of the technical problem are necessary. Rather are loud Description and examples of certain additives mitzuverwenden, without which those Task to hold the particle size of the crystals under a maximum value one do not solve.

This means in available case that in the principal claim regarding the kind. 83 and 84 EPUe to indicate would be, which materials the sd-value-condition erfuellen.

The moreover (side 5, 2. Paragraph) makes valid the patentee, the Fachmann needs To do observance of the theory of requirement 1 nothing further, as those To look up material constant of p of any material and then those Thickens S of the material to select in such a way that itself the desired sd-value aufgrund the relationship  $sd = S \cdot p$  stops p. This consideration is missed, whereby it to remain once undecided it is to what extent material constants of p for the diversen Materials at all are present.

It is that alleged invention inherently that a material are verwendet, its p-value is as a function of the air humidity changes.

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One puts for example, like it the patentee recommends, the sd-value of a foil out a certain material for the humid area firmly, then does not leave itself predict, the foil within the drying range has which sd-value.

This means that the professional world straight those complex and langwierigen attempts, you remain left with the help of a regularly revealed Erfindung remained would be saved.

Comes in After, then he does not have applicant for a patent the revealing requirement after that Basic principles of the patenting no requirement on a patent right.

Also from one further principle out, which the decisions discussed above too takes is, is not guaranteable requirement 1 of the contentious patent and/or. not legally. This principle becomes in the angelsaechsischen area, particularly in the USA, appropriate

with the term "product byproperty", and he associates mentioned that it is inadmissible, an invention by the desired result too characterize, even if one or more solutions for this were revealed. Therefore a requirement is like "acryl fibers with one Ultimate tensile strength over 20"not permitted. Such a case (here something ) became simplified shown in the judgement "acryl fibers" (GRUR 1985, Page 31) of the German Federal High Court decided, their first guiding principle here is quoted:

"in Patent claim contained data may not do itself in a rewriting that the invention at the basis lying task erschöpfen, but must the solution the task mark."

In the available case the task consists of it, vapor barriers with certain diffusion characteristics to make available, so that the characteristic of the Anspruchs not simply therein to exist it can that the vapor barriers these bestimmten diffusion characteristics have.

It exists no formal legal basis for it, regulations and iurisdiction of the material patent law of a EPO member state into the European Patent law to take over, but on the other hand may be permitted it, up To refer to iurisdiction outside of the EPA, particularly if it one to world-wide general consent already corresponds, like it also in the three discussed decisions of the EPA to the expression comes.

Is locking us the remark permits that us the remarks of the assigned member the objection department in the second paragraph under

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Point 2.3 that "are not completely understandable provisional opinion". It is natural those actual task of the alleged invention, the Wasserdampfaustausch by means of the vapor barrier under different site conditions - summers also more highly, winters with small air humidity - to regulate in favourable way. However the requirement-in accordance with-eaten values place nothing different one than a rewriting this task.



Dipl.-Ing. Peter Sartorius  
Patentanwalt

Plants: documents D 4a, D 6a and D11

SARTORIUS THEWS & THEWS



In lieu of an oath one Explanation

in things of the Objection against EP 0,821,755 B1, to the collecting main with the European patent office.

Hereby I explain,

Lothar Moll

Owner and Managing director of the company

Ecological one Structural systems B.I. Moll GmbH + CO. Kg of Rhine Valley route 35 - 43

D-6873 Schwetzingen

The following:

1. My company left at the company

Merseburger Packing Geusaer road Merseburg  
since the year 1992 a vapor barrier manufacture.

2. these Vapor barrier has the following structure  
upper layer: flame retarding Paper, 80g/m2

1. middle layer: reinforcing lattices from glass fibers 8 x 8 mm

2. middle layer: polyethylene foil, 18 g/m2

lower layer: flame retarding Paper, 80g/m2

Total total: 185 g/m2

3. Those managing characterized vapor barrier became of the company Merseburger packing on my company supplied, of where out it to a large extent the building material trade, but also at Verarbeiterund final consumer sells or also from my company intended one shifted.

4. in Speech standing vapor barrier became

- until 1995 under that Designation "B.i. Steam brake pasteboard reinforces "and -  
starting from 1995 under that Designation "per clima DB+"

to the customers supplied. The technical information is article of appropriate instruction cards.

5. The vapor barrier by the beginning of its production until today material-moderately one unveraendert on manufactured and accordingly also invariably brought into the trade.

Up to 19. April 1995, the priority day of the opposing patent, delivered quantity that Vapor barrier was more than 2 millions. m2.

6. I have those Vapor barrier occasionally of independent institutes on their Diffusionseigenschaften to examine leave. For the Nichtspezialisten that is understandable Examination report in accordance with the document of D3 that brought into the einspruchsverfahren "material research and test institute for the building industry Leipzig e.V.".

7. Further should Necessarily or desired its, I stand for data for this to the Verfuegung. This applies also to my coworkers, as far as they are concerned with the thing.

I insure that I this explanation delivered after best knowledge and certain habe that all Data are truthful, and that is conscious to me, offences against those Truth obligation in an explanation in lieu of an oath criminal consequences after itself ziehen can.

With the available explanation in lieu of an oath affirm I mean identical Erklaerung of 01. August 2001.

Helmut Lusky 12.12.2002

Place, Datum Untersc



(Lothar Moll)

36a

Dr. Helmut Lusky

Product development and product service

Dr. Helmut Lusky, product development and product service Leunaer Str. 18 b. 06217

Merseburg

Tel. 03461 231580, 0172 6092734 fax 03461231579

Email: Dr.Lusky@t on-line.de

Merseburg, that 23.10.02

In lieu of an oath one Explanation

In things of the Objection against EP 0,821,755 B1, to the collecting main with the European patent office.

Hereby I explain,

Dr. Helmut Lusky

Of at the end of of 1991 to End of 1996 managing directors of the company

Merseburger Packing Geusaer road

D - 06217 Merseburg

The following:

1. The company Merseburger packing places Moll since the year 1992 for the company Ecological one Structural systems B. I. Moll GmbH + CO. Kg a vapor barrier ago.

2. This vapor barrier has the following structure:

upper layer: flame retarding Paper, 80 g/mz

1. middle layer: reinforcing lattices from glass fibers 8 x 8 mm

2. middle layer: polyethylene foil, 18 g/m2

lower layer: flame retarding Paper, 80 g/m '

Total total: 185 g/m2

3. Those managing characterized vapor barrier became since the year 1992 of the company Merseburger packing in the extruding procedure industrially manufactured and supplied to the company Moll, who it to a large extent to those Baustoffhaendler, Handwerksbetriebe and final consumer further-sold or the customer also bestimmungsgemaess shifted.

4. Company Moll drove out the vapor barriers

- until 1995 under that Designation "B.I. Steam brake pasteboard reinforces "and - since 1995 under that Designation "per clima DB+"

to their customers how also the appropriate instruction cards over the technical Daten that Vapor barrier comes out.

S. The vapor barrier by the beginning of its production on material-moderately invariably one hergestellt and supplied to the company Moll.

The scope of supply amounted to up to 19. April 1995, the priority day of the contested patent, more than 2 millions. m2.

6. Further should Necessarily or desired its, I stand for data for this to the Verfuegung. If necessary are also coworkers of the companies. To befragen Merseburger packing still, so far it were concerned with this thing and still are.

I insure that I this explanation delivered after best knowledge and certain habe that all Data are truthful, and that is conscious to me, offences against those Truth obligation in an explanation in lieu of an oath criminal consequences after itself ziehen can.

With the available explanation in lieu of an oath affirm I mean identical Erklaerung of 02. August 2001.

1yer~, s~6~~9\_ , 2~3. Ae. oz

Place, Datum signature

*Kirch*

(Dr. Helmut Lusty)  
17. AA.



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83601 Wood churches  
for building physics  
Company B. I. Moll GmbH & CO, kg z. Hp. Mr. Moll  
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Wood churches, 11. August 1994 Grigro

Dear Sir Moll,

as on the occasion of of the Discussion to 9. August 1994 in our house agreed upon, we send you our calculation NR. 030637 over DM 11.181,50 for the accomplished damp-technical measurements of your steam brake pasteboard. That

Invoice amount for the measurement of 5 samples of the same material, still desired of you, ( 40,161 % rel. Humid one after previous 8-taegigar Lagerung with 23 °C 1.93 % rel. Dampness and following drying process with 23 °C | 40 °!o rel. Dampness) is already contain in the calculation. The results become you after conclusion in Form of a metrology record sent.

For questions to Investigational procedure is to you gladly our Mr. Bernhardt at the disposal.

With friendly Greeting INSTITUTE FOR FRAUNHOFER FOR SOW PHYSICS

i.A.

*[Signature]*



i.A.

**Dr.Ing. H.M. Kuenzel Ing. P. Bernhardt**

Officially recognized inspection station for the permission of new building materials, construction units and designs • Research, examination and consultation in the area of building physics

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## Fbrdeung

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## Peer

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Fraunhofer-Institut for building physics

Plant to the letter of the 11. August 1994

### Bestimmung der Steam permeability

**Examined Material** B. I. Moll: Steam brake pasteboard, reinforces, blue

**middle surface-related Masse : 190 glm '**

**middle Dicke : 0.27 mm**

## Sample pretreatment

Before the beginning that Diffusion measurements became the samples of a material 8 days with 23 °C and 93 % rel. Humid one stored; subsequently, a 8-taegige drying process took place with 23 °C and 40 % rel. Humid one.

## Measuring procedure

**Regulation that Steam permeability following DIN 52,615 with the following Boundary conditions:**

**Air temperature** = 23 + 0,5 [ °C ]

Relative humidity, dry Side 40 + 2 [%]

Relative humidity, moistens Side = 61 + 2 [%]

Probenabmessungen      circular, Diameter 200 mm

**Sample thickness: without Armierung = 0.20 mm - 0.25 mm**

with Armierung = 0.30 mm - 0.32 mm

**S**

Plant to the letter of the 11, August 1994

Blatt 2

## Melaergebnisse



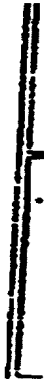
Sample NR.	Per bendicke	Surface-related mass		Diffusion equivalents	
	[ mm ]	[ glm2 ]		Air layer thickness	
		EW	MW	EW	MW
1	0,24-0,31	190		3,9	
2	0,23-0,31	191		3,8	
3	0,22-0,31	192	190	3,8	4,0
4	0,20-0,31	190		4,2	
5	0,21 -0,32	189		4,1	

Under taking as a basis calculates for a middle sample thickness of 0.27 mm  
itself the following \_

Diffusion resistance number 1. = 14800

Wood churches, the 10. October 1994 Belgro

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1	fLI left	h	
I V	II		
I	left!: O	p II	~.' IL
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Q  
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Q  
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sd [m]

510_6	191	7.53
510_7	190	8.64
510_8	189	7.61
510_9	188	8.71
510_10	189	7.44

B.I Moll: Dampfbrems

187	6.
181	4.
181	4.

Water vapour - Permeability

6.1. Moll Steam brake pasteboard, armiert ..

Versuchsproben DIN 52,615

ohne : Diffusion equivalents

Behandlung air layer thickness sd [ m ]

NR rehearses.

' sample Flaechenbezo ~

dicke genes Masse l dry - wet cup - cup

[mm] [g/m ^ 2] 3- 50 [%] 50 - 93 [%]

510 1 K

0.32 i 191

1. Messung 2. Measurement

8.5 ==> 0.73

!!	i	i	2. Messung	1. Measurement
510 2K	0.33	i	190	2.8 0.90 „

Versuchsproben      DIN 52 615    i  
mit      diffusion equivalents  
Behandlung    air layer thickness sd [ m ]  
Sample  
NR.

## Rehearsing; FI Achenbezo

thickens	genes mass	i	dry - cup	wet - cup
(mm )	^	i	3-50 (0oe )	50 - 93 [ % ]
	i [ glm 2 ]			

11		1. Measurement		2. Measurement	
5103K	0.32	196	3.8		0.92

	510_4r \ j	0.31	195	2. .Measurement	1. Measurement
				\$.8 < = = =	.===== 1.5

~j  
Probenbehandlung:  
Storage "feuch" = 3 x air storage with 23 degrees and 93 as rel. Dampness ' to Mass  
Konstanz at the attempt samples thereby moisture absorptions of 2s became - 31  
(mass °, ae ] measured. Storage "drying" = 3 x air storage 23 degrees and 40 °; rei.  
Dampness to mass Konstanz

D;IQPROITABELLENIDIFF\_SDINO1510B.WQ A1 -- f50 - B 27.07.1994  
jo)

© EPA/EPO/OEB	European	European	Office européen
D-80298 NIONchen	Patent office	Patent Office	brevets
+49 89 2399 - 0.			

TX 523,656 epmu D

**FAX +49 89 2399 -**

4465

Central management 2 Directorate  
general 2

### Direction of generals 2

**Bockhomi, Josef, DiplAng. Patent lawyers Herrmann Trentepohl - large ones -  
Bockhomi & partner Forstenrieder avenue 59.**

81476 Munich ALLEMAGNE

I VVVVVVVVVVVVVVVVVVNNNNN IIIIIYYIIIIINIIIIIIIhhIII

Registration NR. / Patent NR.

Zeichen      date

**date**

96,909,977.9-2303/ 0821755 /

I E78491 EP(BO/HL)

26.09.2002

## Patentee

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.

In accordance with answer Article 101(2) and rule 58(1) to (3) EPUe

I. that further examination of the objection/the objections the following documents become at the basis put:

In the version for the Contracting States: ATBECHLIDEDKESF[FRGBIEITNLSE

Description, Columns:

1-4 that Patent specification

Patent claims, NR.:

1-9 that Patent specification

Designs, NR.:

1,2 that Patent specification

II. those (further) examination the/that objection/objections has to from the plant evident result led: .

@ the patentee

@ Der/Die Einsprechende/n will/will asked, within one

Period von 4 months

Writing

EPA form 2323 05.96CSX

WE20493, 23.09.2002

jjo))

Date 26.09.2002 Blatt 2 registration NR.:96,909,977.9

after feed this answer to submit a statement.

111. that Statement are to be attached 01 copies for the remaining involved ones. If the copies are not attached in the necessary number, then become the missing pieces at expense of the involved one made (rule 36(4) EPUe).

Become in the procedure yet documents mentioned imported, then are not to be submitted these doubly. To rule 59 EPUe one refers.



LEHER V formal specialist:

Assigned Mitglied of one, W

for those Objection department

Tel. NR.: +49 89 2399-2972

ORE1 020926 ORE2 04M codes

Anlage(n): answer (plant) (form 2906) (2 Seite/n)



Writing

EPA form 2323 05.96CSx WE20493, 23.09.2002

European Patentamt European Patent Office Office europeen brevets

GD2 - Einspruch DG2 - Opposition DG2 - opposition

Announcing number:

96,909,977.9

Patent number: EP-B-0821755

For the following Representative/parties a report (answer/minutes/decision) became printed (and set):

Bockhorni, Josef, Dipl.Ing. Patent lawyers Herrmann Trentepohl large one - Bockhorni & partners Forstenrieder avenue 59 81476 Munich ALLEMAGNE

01

Sartorius, Peter, Dipl.Ing. Sartorius - Thews & Thews Elizabeth road 24 68535

Neckarhauseri ALLEMAGNE

EPA form 23~WP 05.99CSX

jo 44.))

Answer/minutes (plant) ~ Communication/Minutes (Annex) Notitication/Proces verbal (annexes)

Date sheet ' announce NR.:

Date \*\* CODINGDATE\*\* sheet 1 Application NO.: 96,909,977.9

Date Feuille Demande n ':

The examination become the following registration documents at the basis put:

In the version for the Contracting States: RK CH LEFT DE DK IT FI FR GB IE IT NL SE

Description, Columns:

1-4 that Patent specification

Patent claims, NR.:

1-9 that Patent specification

Designs, NR.: ,

1,2 that Patent specification

1. Documents

In this Einspruchsverfahren were called the following documents: Brochure "B.1.Nature Dampfbremsspappe reinforces ", B.1. Moll, 1994 brochure ' per clima, Moll GmbH, 08-12.98

Inspection report, Material research and test institute for the building industry Leipzig e.V., 09.06.1998

Explanation of gentleman Moll, Moll GmbH, 01.08.2001

Explanation and Confirmation of Mr. Kraemer, Fislage kg, Merseburger packing GmbH, 31.07.2001

Explanation of gentleman Dr. Luský, product development and product service, 02.08.2001 E P-B-0148870

Brochure WYGRODIODE The duoactive vapor barrier., Icopal GmbH, 1992

D1 = D2 = D3 =

D4 = D5 =

D6 = D7 = D8 = D9 = WHERE 85/00188

D10 = calculation of B.I. Moll GmbH & CO. Kg on

Mr. Roland Gieser, NR. 911723, 25.1-1.1991 I

2. provisional ones Opinion of the objection department

2.1 those Reliability of the obvious stated by the a-speaking Prior use is questioned, there no clear evidence are present, which prove that it itself with in D1 and D2 the represented , those acts vapor barriers around identical products the same technical Characteristics concerning the steam resistance exhibit.

In addition becomes in this connection the EPA guidelines, E-IV, become 1.2, in particular the last but one paragraph, referred to.

EPA form 2906 01.91CSX

JO)

Answer/minutes (Anlage)  
verbal (annexes)

Communication/Minutes (Annex) Notification/Proces

Date \*\* CO sheet n et 2 Application NO.: 96,909,977.9

Date Feuille Demande ri

2.2 one Combination of the documents D7 and D8 does not seem besides article of requirement 1 to lead (articles 52(1), 56 EPO), there, up to a water vapor diffusion resistance value, the further characteristics of requirement 1, u.z. the relative air humidities and the second water vapor diffusion resistance value, in none of the two Documents explicit or implicitly aforementioned is.

2.3 those Revealing the invention seems the requirements of the article 83 EPUE  
zul fulfill:

In the description the controversy patent is a remark example with appropriate indication of material specified (s. Paragraph 19). Furthermore become in the general part in question coming materials suggested (s. Paragraph 11). These data are sufficient for a specialized person, around, over routine work and attempts, who stressed To convert invention into the practice.

Furthermore those can View not to be divided that requirement is give upful 1, there those that Frfindung to reason lying task

not of it consists, a vapor barrier with in requirement 1 the stated Characteristics,  
- separate a vapor barrier, which is able, under different site conditions a water vapour exchange between that To secure room air and the inside of a construction unit, the damages that used building materials by humidity as far as possible excludes, too create.

tile task becomes with an adaptive vapor barrier in accordance with requirement 1 solved.

2.4 those To refer parties asked to managing position.

01 L~her

EPA company m 2906 01.91 CSX

J)

177 EPA/EPO/OEB  
D-80298 Munchen

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Patent office

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Office  
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TX 523,656 epmu D

FAX+ 49 89 2399-4465

Central management 2 Directorate  
general 2

Direction of  
generals 2

Sartorius, Peter, Dipl.Ing. Patent law office

General eggs & Sartorius Elizabeth road 24 68535 Neckarhausen ALLEMAGNE

Date/DATE

15-07-2002

Zeichen/Ref./Ref. registration NR./Application NoJDemande n°./Patent NR./Patent NO./Brevet n°.

97410 E EP/MK02 OPPO 01 96909977.9-2303/0821755

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.  
SHORT REPORT

Concerns: ( ) your letter of

( ) ours Telephone call of ( ) the answer of

Enclosed you receive: ,Y) letters of the Patentinhabers/Xnsprech%Xen of  
05.07.2002 inclusive. Resolution DPMA ( ) Kopie(n)

( ) report:

With the request over Information.

Erner, walter

Formal specialist

Tel. NO.: (+49 89) 2399 2972

( ) WRITINGS

EPA form 2911 05.02 7053401 10/07/02

GENTLEMAN MAN - TRENTEPOHL LARGE ONES - BOCKHORN & PARTNER GBR

European Patent office Erhardtstrasse 27

80298 Munich

EUROPEAN PATENT & TRADEMARK ATTORNEYS - PATENT & ATTORNEYS

MUNICH - BOCHUM - LEIPZIG - ALICANTE

DiplAng. W. Herrmann Trentepohl, Bochum DiplAng. Wolfgang large one, Munich

DiplAng. Josef Bockhorni, Bochum DiplAng. Thilo Raible, RA, Munich DiplAng.

Johannes Dieterle, Leipzig DiplAng. Silke Rothe, RAin, Leipzig

Ute of large ones, RAin, Munich

EPO - Munich

Email: [Info@patguard.de](mailto:Info@patguard.de) 68

[www.patguard.com](http://www.patguard.com) o 5. July 2002

Munich 5. July 2002

Correspondence asks after MUNICH secretariat Bockhorni Tel.Direct-inward dialing:

+49 89 745541-37 Email: [bockhorni@patguard.de](mailto:bockhorni@patguard.de)

European patent 96909977.9-2303/0.821.755

Applicant: Fraunhofer Society to the promotion of the applied research e.V. Our

document: E 78491 EP (BO/WE)

To the objection that Company. Ecological structural systems Moll GmbH & CO. Kg,  
Schwetzingen

becomes as follows Position taken:

A. Requests:

It is requested:

1. that To reject objection and to keep the patent upright in its entirety, 2. to fix a  
hilfsweise verbal negotiation.

B. Patenting barness

The a-speaking it implements to the patenting barness that the the subject of the  
requirement 1 (1) due to obvious prior use, (2) are not new by the block letters D7 and  
D8 are not suggested and (3) in the reason for lack of feasibility is patentable.

**B1. Novelty and obvious prior use state of the art**

To the supporting that the a-speaking supports itself obvious prior use by Dokumente, those temporally after the priority day developed. This concerns primarily The holding out D2 (December 98), D3 (June 98). Even if these documents that

Forstenrieder avenue 59 D - 81476 Munich	Massenbergstr. 19- 21 D-44787 Bochum	Zimmerstr. 3 D - 04109	Poseo Explanoda De LeipzigEspana NO. I, 4-Izda IT - 03002 Alicante
------------------------------------------------	--------------------------------------------	---------------------------	--------------------------------------------------------------------------

Tel. +49,089 - 745541-0 Fax +49,089 - 7593869	Tel. +49 0234 - fax +49 0234 -	91224-0 Tel. +49 14958-Tel. 0341 60 +49,089- 745541-0 6406600 fax +49 - Fax - 7593869 0341 14958-+49,089 68
--------------------------------------------------------	-----------------------------------	-------------------------------------------------------------------------------------------------------------------------

German bank, Bochum	BLZ 430,700 24	Account/account: 614 551000	IBAN: 0024 DE05 0614 4307 5510 00	SWIFT (BIC): DEUTDEDB432
HypoVereinsbank, Munich	BLZ 700,202 70	Account/account: 046,505 999	IBAN: 0270 DE 0046 "7002 5059 99	SWIFT (BIC): HYVEDEMMXXX
Postal bank, Munich	BLZ 700,100 80	Account/account: 227,682 805	1 IBAN:0080 DE30 0227 7001 6828 05	SWIFT (BIC): PBNKDEFF

Public abandoned are, which was not occupied, then can they due to their after the priority day of the controversy patent of lying date not to the conditions that Technik to be counted.

**Explanations**

As Therefore duck holding D4, D5 and D6 delivered explanations can also do not occupy, let alone prove that the use the novelty the Streitpatents in question vapor barrier placing the priority day ago that Public made itself zugaenglich, there it contentwise on after that Priority day of provided documents refer. In addition it comes that one without Insurance on oath instead of delivered Erklaerung regularly none A proof character to add is. Besides the company is Fislage alleinige Anteilseignenn of its subsidiary Merseburger packing GmbH, so that it not much surprises, if itself the statements in the explanations of the managing director of Fislage (D5) and the former managing director of the Merseburger Packing GmbH (D6) contentwise cover. Finally the statements contain in the explanations no data concerning in the characteristic part of the attacked requirement 1 indicated parameter.

Obvious one Prior use apart from it is the a-speaking besides so far also one sufficient Substantiierung of the obvious prior use guiltily remained.

It became only stated that vapor barriers of the company drive Moll out GmbH since 1991 became. From none of the aforementioned documents it follows free of doubts that a vapor barrier with the characteristics described in the requirement 1 uses or one drove out. The document of D1, which are to come from 1994, describes a Dampfbremse, those only an equivalent air layer thickness of 2,3 m indicates. It comes out neither from DL, within which ranges of the relative Air humidity this 2,3m to be reached, nor it is evident that it itself with the vapor barrier described in DL around a adaptive



acts, in different (not overlapping) ranges of the relative Luftfeuchtigkeit different (not overlapping) ranges of values of equivalent Luftschichtdicken obtained. The ranges given in the requirement 1 leave themselves from D 1 already do not infer.

Even if one too it assumes to favour of the a-speaking that an adaptive according to invention Vapor barrier was driven out, then this is so far not conclusively done . The calculation of the companies stated as holding out D10. Moll at gentleman Gieser of 25. November 1991 does not occupy this anyhow. There is only specified that a reinforced steam brake pasteboard was charged for. Except the external dimensions is however not occupied, which physical or other characteristics the charged for pasteboard exhibits.

From it is apart the lecture of the a-speaking concerning the alleged offenkundigen Prior use also afflicted with substantial gaps. In particular arises out all documents stated in this connection not conclusively that ever a vapor barrier, like it in the characteristic part of requirement 1 is described, the public one made accessible. It is missing thereby on the obviousness and the prior use. Only at the edge it is marked that those A-speaking also in the Einspruchsverfahren before the DPMA in things of the parallel DE patent 195 14 420 did not hear itself, as from in copy , with that the patent results in attached resolution of the DPMA invariably one maintained. At this einspruchsverfahren were four Einsprechende taken part. The complaint was only eingelegt by the current a-speaking.

#### B2. Inventive one Activity

The article of the Patent claim 1 one does not suggest by the state of the art. Those A-speaking supports its argumentation under point E. of the Objection writ on the documents D6 and D7. Out of the argumentation goes however out that obviously the documents D7 and D8 are meant. With D6 acts it itself around an explanation of 2. August 2001, thus regarding the priority day of the controversy patent no state of the art represents.

The a-speaking it implements that according to invention the Wertebereich indicated in requirement 1 already by the block letters D7 is suggested. D7 contains neither value data for those SA-WORTH still for (non-overlapping) ranges of the relative Air humidities,

in those these values to realize are. The moreover any Anregung is missing for the specialist but, the straight non-overlapping ranges for the sd-values and/or. those to select relative air humidities.

Something else results in itself also not if the specialist on the basis of D7 the Offenbarung of D8 considers. According to objection writ (page 3 center) is the Druckschrift D8 from the year 1985 originate. This is denied, and which becomes a-speaking asked to occupy this.

Subordinates one, that the block letters D8 the priority day ago of the public zugaenglich made became, the specialist infers this straight two values for the parameter sd (see last side), of those the one clearly outside of both in the requirement 1 angegebenen ranges lies. In all other respects is only from a drying range and a Kondensationsbereich the speech, without concrete values for these Ranges regarding the relative air humidity are mentioned. One Suggestion to hold at least the one sd-value within the range of 2 to 5m can from D8 not to be won. Fact is that the specialist that Holding out D8 only infers that for that worth-moderately not more near ausgefuehrten drying range

a sd-value of 20 m is intended. Like that Specialist from this to close wants that straight within the range of 60-80% relative Air humidity the range from 2-5 m of advantages exhibits, is neither that Document of D8 was evidently still spoken it by the a-speaking. The article of the Requirement 1 D8 is not therefore suggested and by the block letters D7 and been based therefore it on inventive activity.

B.3 feasibility, Kind. 100 (B) EPUe:

The a-speaking that the requirement 1 is give upful formulated, there only Materialparameter implements are indicated, on the basis those the specialist with the help of complex Messungen and various considerations for materials with appropriate characteristics look and it with requirement 1 therefore at the feasibility must lacks. This view cannot be joined, because the teachings according to invention according to requirement to 1 it is so clearly revealed that the specialist can implement it. The requirement 1 arrange the teachings, a vapor barrier for the employment for the specialist to To develop Waermedaemmung from buildings to, which is to consist of a material, certain characteristics regarding its water vapor diffusion resistance to exhibit is. Inn patent claim is thus the general principle that Invention indicated, whereby even concrete means in the dependent requirements and the description it is mentioned on which the a-speaking correct-proves also refers to. Since also in principle attempts reasonable are (z. B. T14/83, T226/85), the specialist is put therefore into the position, on the basis that revealed teachings a vapor barrier with for solution the task of erfor-derlichen To determine parameters.

The a-speaking even it implements that the production of materials with each beliebigen Diffusion resistance for the specialist no special problem represents. For this in the objection writ on page 6 it is implemented that in the requirement described sd-value of the relationship  $sd = S \cdot p$  is sufficient, whereby S the thickness that layer and g concerned a Materialkonstante is (probably in appropriate tables to be looked up knows). The specialist would like thus the sd-value as stressed stop, then it has nothing further to do as in to select arbitrary material to look up the constant of p and the thickness to vary the material according to the above formula, so that that desired sd-value is obtained.

In this sense can of give upful formulation no speech its, so that the Anspruch 1 that Requirement of the kind. is sufficient for 83, 100 (B) EPUe.

C. Dependent one Requirements:

The objection is directed toward the revocation of the patent to the entire extent. With Ausnahme that Requirements 2 and 3 became from the a-speaking to the remaining dependent Requirements spoken and the objection to that extent does not substantiate nothing.

From that above stated reasons is the objection unfoundedly and therefore zurueckzuweisen.

Two doubles of these Input for the a-speaking are attached.

  
J. Beckhorn  
(Patentanwalt)

Plants:

Copy resolution DPMA Two doubles

German patent and office for mark

Munich, the 23. August 1999 telephone: (0 89) 21 95 - - file references: 195 14 420.1-25

Their indication:

German patent and office for mark - 80297 some

Ask file references and names with all inputs and payments indicate

Resolution

Those.Patentabteilung 25 has in the meeting of 23. August 1999 decided:

The patent 195 14 420 that

Fraunhofer Society to the promotion of the applied research e.V.

80636 Munich, DE Gypsum Schuele donation, 70372 Stuttgart, DE

with the designation

Vapor barrier for that Employment for the thermal insulation of buildings

becomes after examination the objections in accordance with § 61 Abs. 1 sentence 1

Patent Act in its entirety

maintained.

A 9145	Acceptance place and	Office building	House address (for Freight) telephone (089) 2195.0 bank LandeszenhalbankMuenchen 70001054
11198	Night mail box	Two-bridging route 12 (main building)	German patent and office for mark fax (089) 2195-2221 (BLZ 700,000 00)
08.98	only	Two-bridging route 5-7 (broad- get)	Two-bridging route 12
	Two-bridging route 12	Winzerersbasse 47a/Saarstralle 5	80331 Munich InterNet address HTTP:IAwww.patent- und4narkenamtde
IHIIONv+tSchnellbahnanschlussim		All 47a I Saarstrasse 5:	Two-bridging route 12 (main building), Zwebrueckenstralle 5-7 (Breiterhofl:
	Resident of Munich traffic and ToAA-1 -- A:./Inn	119 u..tie.....ue.....r~r,	C1 - Qft r, ~...

The distribution of the Patent 195 14 420 on to 19. April 1995 submitted patent application is to 6. March 1997 published.

The given patent claim 1 reads:

"vapor barrier for the employment for the thermal insulation characterized by buildings, thereby,

that at least Part the vapor barrier from a material, one of the environment dampness dependent water vapor diffusion resistance exhibits, is formed, with that Condition that the material with a relative dampness that the vapor barrier surrounding atmosphere within the range of 30 to 50 % a WasserdampfDiffusionswiderstand (sd-value) from 2 to 5 m diffusion-equivalent air layer thickness, and with one relative dampness within the

range of 60 to 80 % a WasserdampfDiffusionswiderstand (sd-value), which < 1 m diffusion-equivalent air layer thickness is, exhibits."

Regarding that Patent claims 2 to 18 as well as further details of circumstances becomes up document contents referred.

Against the patent is Objection raised from

I. Ecological one Structural systems B.I.Moll GmbH & CO. Kg, 68723 Schwetzingen, II. Corovin GmbH, 31224 Peine and

III. Ewald Doerken AG, 58313 stove corner.

The a-speaking request agreeing the revocation of the patent to the full extent.

They are that View,

- that that Article of the patent after §§ 1 to 5 PatG is not patentable, • that that gave requirement 1 is give upful and
- that the patent those Invention does not reveal so clearly and completely that a specialist it to implement can.

To the reason refer they to the following block letters:

- E1: Special edition out: Healthier living, number 22, June/July 1993, "the meaning the wind and air seal for thermal insulations "by Lothar Moll, page 1 to 6
- E2: DIN standard 4108, part of 4, November 1991 und part of 5, August 1981
- E3: Sales document B.I.Nature steam brake pasteboard reinforces the company ecological ones Structural systems B.I. Moll GmbH & CO. Kg, given change 1994, page 1
- E3a: Investigation report of the institute for Fraunhofer of the 11. August 1994
- E4: EP 0 293,030 A1,
- E5: DIN 53,122, November 1974, sheet 1, page 3/346 to 349,
- E6: Water transportation by diffusion in solids of H. Klopfer, building publishing house GmbH, Wiesbaden and Berlin, edition 1974
- E7: Water vapor diffusion in the building industry, a manual for preventing of building damage by diffusion-technically perfect building constructions, of Dipl.Ing. Karl Seiffert, building publishing house GmbH, Wiesbaden and Berlin, edition 1974
- E8: Entwurfslehre from the building design aspect of Dr. Ing. Friedrich Eichler, VEB publishing house for Building industry, Berlin, edition 1968
- E9: US-HP of 3,445,322
- E10: GB-HP of 1,230,753 • E11: EP0410275AII
- E12: Inspection reports NR. PP V/98-466 of 12.05.98 and PP V/98-452.1 of 09.06.98
- E13: IZH research report, March 1994, page 1, 30 to 32 and 95 to 97
- E14: DIN standard 52,615, November 1987, page 1 to 4
- EI 5: K. Biederbick of "plastics - short and concise", bird publishing house, 2.Edition, 1970, Abschn.4.1
- E16: EPO167714A2
- E17: EP 0,378,015 B1, according to DE 689 20 724 T2 • EI 8: DE 35 38 597 C2
- E19: EP 0,148,870 B1
- E20: Folder the "HYGRODIODE duoactive vapor barrier" of the companies. Icopal GmbH • E21: IBP report 268 of the institute for Fraunhofer for Bauphysik:"dampness-adaptive Vapor barrier for building insulations ", (22) 1995
- E22: DE 34 25 795 A1

- E23: Nomenclature and characteristics Durethan, product information of the company Bayer, 07.1993
- E24: Water absorption and conditioning of shaped parts from Durethan, Product information of the company Bayer, 08.1995
- E25: Application technology information 189, company Bayer, 01.08.1987
- E26: Copy to the keyword "PP" from Roempps chemistry encyclopedia, B. Edition, 1987, • E27: DE 34 23 766 A1
- E28: Scientific paper "bent roofs without chemical wood preservation", of refuge Schulze, in; wksb 2711989
- E29: Result excerpt of a search in the data base "Caplus", 1998 host: STN international
- E30: Excerpt from the technical book "polyvinyl Alco-get", given change of C.A.Finch 1973, publishing house John Wiley & Sons Ltd.,
- E31: Comparison of the behavior of PVA- and Pa foils by tabular Confrontation of P and kD; Conversion formulas from the technical periodical Building physics, chapter 2.3 "conversion of diffusion characteristics"; Diagram from scientific paper of Dr. H.M.Kuenzel,
- E32: DE 93 08 678 U 1

The patent owner and requested, the patent contradicted stating the a-speaking to maintain in the given version.

To the untermauerung their arguments has it still

- E33: Folder Difunorm Vario, "the damp-adaptive steam brake foil" and
- E34: Folder special edition from building of stucco deseaming skirts 55 (1997), number 2, page 34-37 "the foil thinks also" into the procedure introduced.

In the test procedure in addition the following block letters were considered:

- E35: Manual building protection, volume 2, expert publishing house, 1992, page 90 • E36: DE-GM 1,886,678
- E37: Manual of the damming technology, part of 1, 1.Edition, 1979, page 44 and Abschn. 1.2.1.0

B

The objections are as well as in accordance with § 59/1 PatG period and formally raised sufficiently substantiated. They have however no success.

The patent concerns a vapor barrier for the employment for the thermal insulation of buildings. Regarding in the patent specification the specified, the state of the art attached Disadvantages is appropriate for the invention the task at the basis, a vapor barrier too create, which able is, under different site conditions, variable in the employment, a water vapour exchange between the room air and in To secure an internal construction unit, that damages of the used Building materials by humidity as far as possible excludes (see Column 1, Lines 46 to 53 of the patent specification).

This task becomes in accordance with the characteristics of the requirement 1 solved.

After § 35/2 PatG must revealing an invention announced to the patent so clearly and completely its that a specialist can implement it. The requirement 1 arrange the teachings, a vapor barrier for the employment for the specialist to To develop thermal insulation from buildings to, which is to consist of a material, certain characteristics regarding its Water vapor diffusion resistance to exhibit is. There in the patent claim

thus the general principle of the invention is indicated and in the unteranspruechen and the description the concrete means is mentioned, whereby even attempts in limited extent, becomes the specialist is reasonable therefore into the situation shifted, on the basis that

revealed teachings a vapor barrier with the parameters necessary for the solution of the task too develop. This view becomes by the statement the a-speaking I in their objection writ of 30. 5. 97 on page 7, last paragraph, lines to that-according to it is possible for 3-5, supported, any numerical value for Sd-values work-moderately also in the form of foils to produce courses or pasteboards.

The requirement 1 is therefore give upful, but complete teachings do not reveal to technical acting.

The vapor barrier after Requirement 1 consists one of the environment dampness of a material, dependent water vapor diffusion resistance exhibits; that means, it becomes also rising relative dampness of adjacent air ever steam-more permeable. With a relative dampness from 30 to 50% sd the value amounts to 2 to 5m and with a relative dampness from 60 to 80% the sd-value amounts to <1m.

From none that Holding out is well-known a such vapor barrier. The article of the Requirement 1 has to apply therefore as new.

That applies also opposite the E19 and E20, which a vapor barrier with a wasserabsorbierenden centric layer describe, with that the water vapour during the cold Season for the exterior of the vapor barrier diffuses and during the summer the water on against laws the side absorbs. Although the vapor barrier after the E20 likewise of a material consists, one of that Environment dampness dependent water vapor diffusion resistance exhibits, has this material within the drying range one sd - value of 20m and in Condensation range of 0,3m. It takes therefore the the subject of the requirement 1 likewise in front not prejudicial as to novelty. Those entgegengehaltenen beyond that Vapor barriers do not fulfill likewise the conditions of the requirement 1, there them a constant sd value exhibit.

The a-speaking I the obvious prior use action of the vapor barrier in addition makes in accordance with that E3 validly. After measurements the E12 it showed that already these vapor barriers out the year have 1992 reversible sd-values.

The E3 reveals a reinforced steam brake pasteboard, consisting of a dreischichtigen laminate also an intermediate polyethylene foil. The exact dimensioning sd

Worth in accordance with Requirement 1 is however not contained in of the E3. Besides it acts with that Steam brake pasteboard after the E3 "B.1.Nature ' and with in the inspection report the E12 specified steam brake foil "per clima railways +" obviously around two different products, which already comes out from the deviating designation. In all other respects the a-speaking has the E12 only at expiration of the time for appeal submitted.

The stated obvious prior use is not so sufficiently substantiated thus that Patentee and patentabteilung the patentability of the patent article in relation to the before-used article finally to judge can.

Those far mentioned E3a does not fulfill completely obviously the requirements to a public Block letters.

The article of the Requirement 1 is based also on an inventive activity.

By the E19 is a vapor barrier admits, those concerning the Wasserdampfdurchlasswiderstandes is variable out-arranged. It consists of two with holes provided steam-close layers and an water-absorbing centrally arranged Layer, by - temperature-dependent - the water vapour during the cold Season for the exterior of the vapor barrier diffuses and during the summer the water on the opposite side absorbs. Thus lies in completely different operational principle than forwards with the invention.

Also the so-called duoactive after vapor barrier the E20, which is based on the teachings after the E19, brakes damaging diffusion and promotes at the same time a draining build-damp roof structures, but on the basis of one diffusion-equivalent air layer thickness sd within the drying range of 20 m and in Condensation range of 0,3 m. Data to the relative dampness that those Vapor barrier surrounding atmosphere are not entnehmbar from the E20, so that no reference points to find are to proceed in the stressed way.

In the E1 becomes up a vapor barrier with an obviously constant diffusion-equivalent Air layer thickness of 2,3 m referred. Thus is the vapor barrier diffusion as pure vapor barriers, an adjustment sd of the value on the relative air humidities lying close on both sides of the foil becomes however not desired.

Equally offers the E3 no mental beginning, of the constant prescribed there To deviate sd-value.

Also those Inclusion of the E15 leads the specialist not toward one damp-adaptive vapor barrier. This document describes in principle those Materials PP 3, PP 4 and PP 6, without their from the building design aspect To indicate characteristics. Therefore a purposeful employment is to Not to accomplish thermal insulation of buildings without special considerations.

Water vapour-more permeable thermoplastic elastomer film from Polyetheresteramid becomes by the E17 revealed, which can be used also as Unterspannbahn, around one To ensure humidity withdrawal and the tightness of the roof too increase, without thereby this humidity restrainable. With which Material parameters this effect is attainable, becomes in holding out not addressed.

Likewise Unterspannbahnen are described in the E16, E18 and E22. While those After Unterspannbahnen the E16 and the E22 both steam-permeable trained are and as humidity memory work, so that the stored Liquid gradually, according to the diffusion ability that Unterspannbahn up to steam pressure reconciliation is delivered, is the multilevel After foil the E18 only diffusion trained its, whereby that Structure of layer is so selected that it an diffusion-equivalent Air layer thickness of 0,07-0,12 corresponds. The steam permeability became with 38°C and 90% of relative air humidity measured. Also these block letters are based on a constant sd-value, so that it the specialist for development an damp-adaptive vapor barrier are not helpful.

The E4, E9, E10 and E11 concern sealing sheets to the building sealing. The problem, Drain the construction to the space inside to make possible and those Construction at the same time before a load by room air dampness too protect, does not place themselves to the specialist here not, so that it these block letters also not for the solution of his task will consult.

10

Just as little lead the E27, E32 and E36 the specialist toward the the subject of the requirement 1. The E27 is on a group element for thermal insulation with higher Steam

permeability arranged. Its water vapor diffusion-equivalent Air layer thickness amounts to less than 1.0 m and is constant. A durable Feuchtigkeitsaufnahme becomes with a covering fleece on one In accordance with foil bonding material the E32 desired. Physical parameters for it are not addressed. After the E36 is a warm-damming mother board also a layer of defined steam permeability and externallaterally with one water-rejecting and briefly wasserundurchlaessigen, however water vapour-permeable layer provide. Further data concerning that Characteristics of the requirement 1 are missing. The E5 and E14 concern DIN standards for the determination of the steam permeability of Building materials as well as the E2 DIN standards to warm and humidity-technical Characteristic values. A purchase for the the subject of the requirement 1 is not recognizable.

In that Only general material data are to be found to data base search E29. Purchase for the application as vapor barrier in the special connection of the requirement 1 is missing.

Theoretical one Bases to the water vapor diffusion are from the E6.E7, E8, E35 and E37 and technical rules to the installation from vapor barriers are from the E13 and E28 entnehmbar. Upper putting for the development of an damp-adaptive vapor barrier are not employed there.

Characteristics of Plastics are described in the E15, E26, E30 and E31. Without any Reference to the use as steam brake foils are they the specialist with that Selection not helpfully.

In the E23, E24 and E25 are described the foils "Durethan". These foils become for Vakuumverpackungen for manufactured products uses. Although this foil in certain extent as a function of the environment dampness take up water or to deliver can, because of removes lying operational area a suitability for Vapor barriers not addressed and not lively.

This Holding out continue to lie thus off and can therefore neither for itself nor during a common view with the remaining holding out without inadmissible review to suggestions in the direction of the invention give.

The E21, E33 and E34 published block letters are, those only those after the announcing day Impact of the the subject of the requirement 1 continue to describe. They remain unconsidered.

Of that A-speaking I hilfsweise validly made illegal withdrawal of the Patent article does not seize likewise, there on the one hand a nature equality with the vapor barrier according to requirement 1 does not exist and on the other hand the circumstances in detail are not stated, in which way the contentious vapor barrier in their whole into the possession of the patent owner to have arrived should. The E3a is not suitable for it as proof, because the vapor barrier described there fulfills the conditions of the requirement 1 anyway only incompletely.

The requirement 1 has therefore existence.

On the requirement special execution forms concern 1 of backreferred unteransprueche 2 to 18 the the subject of the requirement 1.

The unteransprueche have thus likewise existence.

The patent is therefore to maintain in its entirety.

A separate Feed of the input of the a-speaking I of 15. July 1999 was unnecessary, since therein underlying facts were not stated.



A verbal Negotiation was given that with the state of affairs and the consideration written expressions of the parties and the legal granted thereby Hearing not necessarily. On in Transmittal letter contained caution one refers to.

Patentabteilung 25

Wehrberger Selmaier

*Ausgabe*

*Steuers*



Roehrig

GENTLEMAN MAN - TRENTPOHL LARGE ONES - BOCKHORN & PARTNER GBR

European Patent office Erhardtstrasse 27

80298 Munich

EUROPEAN PATENT & TRADEMARK ATTORNEYS - PATENT & ATTORNEYS

MUNICH - BOCHUM - LEIPZIG - ALICANTE

Dipl.Ing. W. Herrmann Trentepohl, Bochum Dipl.Ing. Wolfgang large one, Munich

DiplAng. Josef Bockhorni, Bochum DiplAng. Thilo Raible, RA, Munich DiplAng.

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[www.patguard.com](http://www.patguard.com) o 5, Jut ' zool

Munich 5. July 2002

Correspondence asks to MUNICH secretariat Bockhorni Tel.Direct-inward dialing: +49

89 745541-37 Email: [bockhorni@patguard.de](mailto:bockhorni@patguard.de)

European patent 96909977.9-2303/0.821.755

Applicant: Fraunhofer Society to the promotion of the applied research e.V. Our document: E 78491 EP (BOWE)

To the objection that Company. Ecological structural systems Moll GmbH & CO. Kg, Schwetzingen

becomes as follows Position taken:

A. Requests:

It is requested:

1. that To reject objection and to keep the patent upright in its entirety -, 2. to fix a hilfswise verbal negotiation,

B. Patenting barness

The a-speaking it implements to the patenting barness that the the subject of the requirement 1 (1) due to obvious prior use, (2) are not new by the block letters D7 and D8 are not suggested and (3) in the reason for lack of feasibility is patentable.

B1. Novelty and obvious prior use state of the art

To the supporting that the a-speaking supports itself obvious prior use by Dokumente, those temporally after the priority day developed. This concerns primarily The holding out D2 (December 98), D3 (June 98). Even if these documents that

Forstenrieder avenue 59 D - 81476 Munich	Massenbergstr.19-21 D-44787 Bochum	Zimmerstr.3 D - 04109 Leipzig	Poseo Explanoda De Espana NO.], 4-lzda IT - 03002 Alicante
Tel. +49,089 - 745541-0 Fax +49,089 - 7593869	Tel. +49 0234 -0341 Fax +49 0234 -6406600 0341	91224-0 Tel. +49 60 - 14958- 68	Tel. +49,089 -745541-0 Fax - 7593869 +49,089
German bank, Bochum	BLZ 430,700 24	Account/account: 614 551000	IBAN: 0024 DE05 0614 4307 5510 00 SWIFT (BIC): DEUTDEDB432
HypoVereinsbank, Munich	BLZ 700,202 70	Account/account: 046,505 999	IBAN: 0270 DE44 0046 7002 5059 99 SWIFT (BIC): HYVEDEMMXXX
Postal bank, Munich	BLZ 700,100 80	Account/account: 227,682 805	IBAN: 0080 DE30 0227 7001 6828 05 SWIFT (BIC): PBNKDEFF

Public abandoned are, which was not occupied, then roughen they due to their after the priority day of the controversy patent of lying date not to the conditions that Technik to be counted.

#### Explanations

As Therefore duck holding D4, D5 and D6 delivered explanations can also do not occupy, let alone prove that the use the novelty the Streitpatents in question vapor barrier placing the priority day ago that Public made itself zugaenglich, there it contentwise on after that Priority day of provided documents refer. In addition it comes that one without Insurance on oath instead of delivered Erklaerung regularly none A proof character to add is. Besides the company is Fislage alleinige Anteilseignerin of its subsidiary Merseburger packing GmbH, so that it not much surprises, if itself the statements in the explanations of the Managing director of Fislage (D5) and the former managing director that Merseburger packing GmbH (D6) contentwise cover. Finally those contain Statements in the explanations no data concerning in the characteristic part of the attacked requirement 1 indicated parameter.

Obvious one Prior use apart from it is the a-speaking besides so far also one sufficient Substantiierung of the obvious prior use guiltily remained.

It became only stated that vapor barriers of the company drive Moll out GmbH since 1991 became. From none of the aforementioned documents it follows free of doubts that a vapor barrier with the characteristics described in the requirement 1 uses or one drove out. The document of D1, which are to come from 1994, describes a Dampf-bremse, those only an equivalent air layer thickness of 2,3 m indicates. It comes out neither from D 1, within which ranges of the relative Air humidity this 2,3m to be reached, nor it is evident that it itself with the vapor barrier described in DL around a adaptive

acts, in different (not overlapping) ranges of the relative Luftfeuchtigkeit different (not overlapping) ranges of values of equivalent Luftschichtdicken obtained. The ranges given in the requirement 1 leave themselves from D1 already do not infer.

Even if one too it assumes to favour of the a-speaking that an adaptive according to invention Vapor barrier was driven out, then this is so far not conclusively done . The calculation of the companies stated as holding out D10. Moll at gentleman Gieser of 25. November 1991 does not occupy this anyhow. There is only specified that a reinforced steam brake pasteboard was charged for. Except the external dimensions is however not occupied, which physical or other characteristics the charged for pasteboard exhibits.

From it is apart the lecture of the a-speaking concerning the alleged offenkundigen Prior use also afflicted with substantial gaps. In particular arises out all documents stated in this connection not conclusively that ever a vapor barrier, like it in the characteristic part of requirement 1 is described, the public one made accessible. It is missing thereby on the obviousness and the prior use. Only at the edge it is marked that those A-speaking also in the Einspruchsverfahren before the DPMA in things of the parallel DE patent 195 14 420 did not hear itself, as from in copy , with that the patent results in attached resolution of the DPMA invariably one maintained. At this einspruchsverfahren were four Einsprechende taken part. The complaint was only eingelegt by the current a-speaking.

#### B2. Inventive one Activity

The article of the Patent claim 1 one does not suggest by the state of the art. Those A-speaking supports its argumentation under point E. of the Objection writ on the documents D6 and D7. Out of the argumentation goes however out that obviously the documents D7 and D8 are meant. With D6 it concerns an explanation of 2. August 2001, thus in View to the priority day of the controversy patent no state of the art represents. The a-speaking it implements that according to invention the Wertebereich indicated in requirement 1 already by the block letters D7 is suggested. D7 contains neither value data for the sd-values still for (non-overlapping) ranges of the relative Air humidities, in those these values to realize are. The moreover any Anregung is missing for the specialist but, the straight non-overlapping ranges for the sd-values and/or. those to select relative air humidities.

Something else results in itself also not if the specialist on the basis of D7 the Offenbarung of D8 considers. According to objection writ (page 3 center) is the Druckschrift D8 from the year 1985 originate. This is denied, and which becomes a-speaking asked to occupy this.

Subordinates one, that the block letters D8 the priority day ago of the public zugaenglich , infers the specialist was made this straight two values for the parameter sd (see last side), of those the one clearly outside of both in Requirement 1 angegebenen ranges lies. In all other respects is only from one Drying range and a Kondensationsbereich the speech, without concrete Values for these ranges regarding the relative air humidity mentioned are. A suggestion, at least the one sd-value within the range of 2 to 5m too hold, cannot not be won from D8. Fact is that the specialist that Holding out D8 only infers that for that worth-moderately not more near ausgefuehrten drying range a sd-value of 20 m is intended. Like that Specialist from this to close wants that straight

within the range of 60-80% relative Air humidity the range from 2-5 m of advantages exhibits, is neither that Document of D8 was evidently still spoken it by the a-speaking. The article of the Requirement 1 D8 is not therefore suggested and by the block letters D7 and been based therefore it on inventive activity.

### B.3 feasibility, Kind. 100 (B) EPUe:

The a-speaking that the requirement 1 is give upful formulated, there only Materialparameter implements are indicated, on the basis those the specialist with the help of complex Messungen and various considerations for materials with appropriate characteristics look and it with requirement 1 therefore at the feasibility must lacks. This view cannot be joined, because the teachings according to invention according to requirement to 1 it is so clearly revealed that the specialist can implement it. The requirement 1 arrange the teachings, a vapor barrier for the employment for the specialist to To develop Waermedaemmung from buildings to, which is to consist of a material, certain characteristics regarding its Water vapor diffusion resistance to exhibit is. In the patent claim is thus the general principle of the invention indicated, whereby even concrete means in the dependent requirements and the description it is mentioned on which those A-speaking correct-proves also refers to. There also in principle attempts are reasonable (z. B. T14/83, T226/85), becomes the specialist therefore into the situation shifted, on the basis of the revealed teachings a vapor barrier with to To determine solution of the task of erforderlichen Parametern.

The a-speaking even it implements that the production of materials with each beliebigen Diffusion resistance for the specialist no special problem represents. For this in the objection writ on page 6 it is implemented that in the requirement described sd-value of the relationship  $sd = S \cdot g$  is sufficient, whereby S the thickness that layer concerned and kt a Materialkonstante is (probably in appropriate tables to be looked up knows). The specialist would like thus the sd-value as stressed stop, then it has nothing further to do as in to select arbitrary material to look up the constant of p and the thickness to vary the material according to the above formula, so that that desired sd-value is obtained. In this sense can of give upful formulation no speech its, so that the Anspruch 1 that Requirement of the kind. is sufficient for 83, 100 (B) EPUe.

### C. Dependent one Requirements:

The objection is directed toward the revocation of the patent to the entire extent. With Ausnahme that Requirements 2 and 3 became from the a-speaking to the remaining dependent Requirements spoken and the objection to that extent does not substantiate nothing.

From that above stated reasons is the objection unfoundedly and therefore zurueckzuweisen.

Two doubles of these Input for the a-speaking are attached.

  
J. Bockhorn  
(Patentanwalt)

Plants:

Copy resolution DPMA Two doubles  
German patent and office for mark

Munich, den 23. August 1999 telephone: (0 89) 21 95 - file references: 195 14 420.1-25

Their indication:

German patent and office for mark - 80297 Munich

Ask file references and names with all inputs and payments indicate

Resolution

Those.Patentabteilung 25 has in the meeting of 23. August 1999 decided:

The patent 195 14 420 that

Fraunhofer Society to the promotion of the applied research e.V.

80636 Munich, DE Gypsum Schuele donation, 70372 Stuttgart, DE

with the designation

Vapor barrier for that Employment for the thermal insulation of buildings

becomes after examination the objections in accordance with § 61 Abs. 1 sentence 1

Patent Act in its entirety

maintained.

A	Acceptance place	Office building	House address (for Freight) telephone (089)
9145 and			2195.0 bank:
			LandeszentralhankMuenchen70001054
11/98	Night mail box	Two-bridging route 12 (main building)	German patent and office for mark fax (089)
			2195-2221 (BLZ 700,000 00)
08.98	only	Two-bridging route 5-7 (Bmitterhof)	Two-bridging route 12
		Winegrower first	
	Zwe)brueckenstra	erace	80331 Munich InterNet address
	12	47a/Saarstrasse	HTTP:/Mww.patent und*markenamtde
		5	
		Wa	ererstralle
I	frar	Rapid-transit railway	47a I
		connection un	Saarstrasse 5:
			Two-bridging route 12 (main building),
			Zwebnickenstra0e 5-7 (Breiterhofy
	Resident of Munich	1117 r4nr.nnsnn	S4 - Cft r~...~...
	traffic and	rnts	
	T~dhrml~und leânn•		

The distribution of the Patent 195 14 420 on to 19. April 1995 submitted patent application is to 6. March 1997 published.

The given Patent claim 1 reads:

"vapor barrier for the employment for the thermal insulation characterized by buildings, thereby,

that at least Part the vapor barrier from a material, one of the environment dampness dependent water vapor diffusion resistance exhibits, is formed, with that Condition that the material with a relative dampness that the vapor barrier surrounding atmosphere within the range of 30 to 50 % a WasserdampfDiffusionswiderstand (sd-value) from 2 to 5 m diffusion-equivalent air layer thickness, and with one relative dampness within the range of 60 to 80 % a WasserdampfDiffusionswiderstand (sd-value), which < 1 m diffusion-equivalent air layer thickness is, exhibits."

Regarding that Patent claims 2 to 18 as well as further details of circumstances becomes up document contents referred.

Against the patent is Objection raised from

I. Ecological one Structural systems B.I.Moll GmbH & CO. Kg, 68723 Schwetzingen, II. Corovin GmbH, 31224 Peine and

III. Ewald Doerken AG, 58313 stove corner.

The a-speaking request agreeing the revocation of the patent to the full extent.

They are that View,

- that that Article of the patent after §§ 1 to 5 PatG is not patentable,
- that that gave requirement 1 is give upful and
- that that Patent the invention does not reveal so clearly and completely that Specialist it to implement can.

To the reason refer they to the following block letters:

- E1: Special edition off: Healthier living, number 22, June/July 1993, "the meaning of the wind and air seal for thermal insulations "of Lothar Moll, page 1 to 6
- E2: DIN standard 4108, part of 4, November 1991 und part of 5, August 1981
- E3: Sales document B.1. Nature steam brake pasteboard reinforces the company ecological ones Structural systems B.i. Moll GmbH & CO. Kg, given change 1994, page 1
- E3a: Investigation report of the institute for Fraunhofer of the 11. August 1994
- 0 E4: EP 0 293,030 A1,
- E5: DIN 53,122, November 1974, sheet 1, page 3/346 to 349,
- E6: Water transportation by diffusion in solids of H. Klopfer, building publishing house GmbH, Wiesbaden and Berlin, edition 1974
- E7: Water vapor diffusion in the building industry, a manual for preventing of building damage by diffusion-technically perfect building constructions, of Dipl.Ing. Karl Seiffert, building publishing house GmbH, Wiesbaden and Berlin, edition 1974
- E8: Entwurfslehre from the building design aspect of Dr. Ing. Friedrich Eichler, VEB publishing house for Building industry, Berlin, edition 1968
- 0 E9: US-HP 3,445,322
- 0 E10: GB-HP of 1,230,753 • E11: EP0410275A1 • E12: Inspection reports NR. PP V/98-466 of 12.05.98 and PP V/98-452.1 of 09.06.98
- E13: IZH research report, March 1994, page 1, 30 to 32 and 95 to 97
- E14: DIN standard 52,615, November 1987, page 1 to 4
- E15: K. Biederbick of "plastics - short and concise", bird publishing house, 2.Edition, 1970, Abschn.4.1
- E16: EPO167714A2
- E17: EP 0,378,015 B1, according to DE 689 20 724 T2 • E18: DE 35 38 597 C2
- E19: EP 0148 870 B1
- E20: Folder the "HYGRODIODE duoactive vapor barrier" of the companies. Icopal GmbH • E21: IBP report 268 of the institute for Fraunhofer for Bauphysik: "dampness-adaptive Vapor barrier for building insulations ", (22) 1995
- E22: DE 34 25 795 A1
- E23: Nomenclature and characteristics Durethan, product information of the company Bayer, 07.1993

- E24: Water absorption and conditioning of shaped parts from Durethan, Product information of the company Bayer, 08.1995
- E25: Application technology information 189, company Bayer, 01.08.1987
- E26: Copy to the keyword "PP" from Roempps chemistry encyclopedia, B. Edition, 1987, • E27: DE 34 23 766 A1
- E28: Scientific paper "bent roofs without chemical wood preservation", of refuge Schulze, in; wksb 27/1989
- E29: Result excerpt of a search in the data base "Caplus", 1998 host: STN international
- E30: Excerpt from the technical book "polyvinyl Alco-get", given change of C.A.Finch 1973, publishing house John Wiley & Sons Ltd.,
- E31: Comparison of the behavior of PVA- and Pa foils by tabular Confrontation of P and kD; Conversion formulas from the technical periodical Building physics, chapter 2.3 "conversion of diffusion characteristics"; Diagram from scientific paper of Dr. H. M. Kuenzel,
- 9 E32: DE 93 08 678 U 1

The patent owner and requested, the patent contradicted stating the a-speaking to maintain in the given version.

To the untermauerung their arguments has it still

- E33: Folder Difunorm Vario, "the damp-adaptive steam brake foil" and
- E34: Folder special edition from building of stucco deseaming skirts 55 (1997), number 2, page 34-37 "the foil thinks also" into the procedure introduced.

In the test procedure in addition the following block letters were considered:

- E35: Manual building protection, volume 2, expert publishing house, 1992, page 90 • E36: DE-GM 1,886,678
- E37: Manual of the damming technology, part of 1, 1.Edition, 1979, page 44 and Abschn. 1.2.1.0

B

The objections are as well as in accordance with § 5911 PatG period and formally raised sufficiently substantiated. They have however no success.

The patent concerns a vapor barrier for the employment for the thermal insulation of buildings. Regarding in the patent specification the specified, the state of the art attached Disadvantages is appropriate for the invention the task at the basis, a vapor barrier too create, which able is, under different site conditions, variable in the employment, a water vapour exchange between the room air and on the inside to secure a construction unit, the damages of the used building materials by humidity excludes as far as possible (see Column 1, lines 46 to 53 the patent specification). This task becomes in accordance with the characteristics of the requirement 1 solved. After § 3512 PatG must revealing an invention announced to the patent so clearly and completely its that a specialist can implement it. The requirement 1 arrange the teachings, a vapor barrier for the employment for the specialist to To develop thermal insulation from buildings to, which is to consist of a material, certain characteristics regarding its Water vapor diffusion resistance to exhibit is. There in the patent claim thus the general principle of the invention is indicated and in the unteranspruechen and the description the concrete means is mentioned, whereby even attempts in limited

extent, becomes the specialist is reasonable therefore into the situation shifted, on the basis that

revealed teachings a vapor barrier with the parameters necessary for the solution of the task too develop. This view becomes by the statement the a-speaking I in their objection writ of 30. 5. 97 on page 7, last paragraph, lines to that-according to it is possible for 3-5, supported, any numerical value for Sd-values work-moderately also in the form of foils to produce courses or pasteboards.

The requirement 1 is therefore give upful, but complete teachings do not reveal to technical acting.

The vapor barrier after Requirement 1 consists one of the environment dampness of a material, dependent water vapor diffusion resistance exhibits; that means, it becomes also rising relative dampness of adjacent air ever steam-more permeable. a relative dampness from 30 to 50% sd the value amounts to 2 to 5m and a relative dampness from 60 to 80% the sd-value amounts to <1m.

From none that Holding out is well-known a such vapor barrier. The article of the Requirement 1 has to apply therefore as new.

That applies also opposite the E19 and E20, which a vapor barrier with a wasserab-sorbierenden centric layer describe, with that the water vapour during the cold Season for the exterior of the vapor barrier diffuses and during the summer the water on against laws the side absorbs. Although the vapor barrier after the E20 likewise of a material consists, one of that Environment dampness dependent water vapor diffusion resistance exhibits, has this material within the drying range one sd - value of 20m and in Condensation range of 0,3m. It takes therefore the the subject of the requirement 1 likewise in front not prejudicial as to novelty. Those entgegengehaltenen beyond that Vapor barriers do not fulfill likewise the conditions of the requirement 1, there them a constant sd value exhibit.

The a-speaking I the obvious prior use action of the vapor barrier in addition makes in accordance with that E3 validly. After measurements the E12 it showed that already these vapor barriers out the year have 1992 reversible sd-values.

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dependent - the water vapour during the cold Season for the exterior of the vapor barrier diffuses and during the summer the water on the opposite side absorbs. Thus lies in completely different operational principle than forwards with the invention. Also the so-called duoactive after vapor barrier the E20, which are based on the teachings after the E19, damaging diffusion brakes and promotes at the same time a draining build-damp roof structures, but on the basis of an diffusion-equivalent Air layer thickness  $s_d$  within the drying range of 20 m and within the condensation range of 0.3 m. Data to the relative dampness the vapor barrier surrounding atmosphere are not entnehmbar from the E20, so that no reference points are to be found, to proceed in the stressed way.

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Equally offers the E3 no mental beginning, of the constant prescribed there to deviate  $s_e$  Wert.

Also those Inclusion of the E15 leads the specialist not toward one damp-adaptive vapor barrier. This document describes in principle those Materials PP 3, PP 4 and PP 6, without their from the building design aspect To indicate characteristics. Therefore a purposeful employment is to Not to accomplish thermal insulation of buildings without special considerations.

water vapour-permeable thermoplastic elastomer film from Polyetheresteramid by the E17 one reveals, which can be used also as Unterspannbahn, to ensure around a humidity withdrawal and the tightness of the roof to increase, without with it this humidity restrainable. With which Material parameters this effect is attainable, becomes in holding out not addressed.

Likewise Unterspannbahnen are described in the E16, E18 and E22. While those After Unterspannbahnen the E16 and the E22 both steam-permeable trained are and as humidity memory work, so that the stored Liquid gradually, according to the diffusion ability that Unterspannbahn up to steam pressure reconciliation is delivered, is those multilevel after foil the E18 only diffusion trained its, how the structure of layer is so selected that it an diffusion-equivalent Air layer thickness of 0,07-0,12 corresponds. The steam permeability became with 38°C and 90% of relative air humidity measured. Also these block letters are based on a constant SA-WORTH, so that it the specialist for development an damp-adaptive vapor barrier are not helpful.

The E4, E9, E10 and E11 concern sealing sheets to the building sealing. The problem, Drain the construction to the space inside to make possible and those Construction at the same time before a load by room air dampness too protect, does not place themselves to the specialist here not, so that it these block letters also not for the solution of his task will consult.

10

Just as little lead the E27, E32 and E36 the specialist toward the the subject of the requirement 1. The E27 is on a group element for thermal insulation with higher Steam permeability arranged. Its water vapor diffusion-equivalent Air layer thickness amounts to less than 1.0 m and is constant. A durable Feuchtigkeitsaufnahme becomes with a covering fleece on one In accordance with foil bonding material the E32 desired.

Physical parameters for it are not addressed. After the E36 is a warm-damming mother board also a layer of defined steam permeability and externally with a water-rejecting and briefly wasserundurchlaessigen, however water vapour-permeable layer provided. Further data concerning the characteristics of the requirement 1 are missing. The E5 and E14 concern DIN standards for the determination of the steam permeability of building materials as well as the E2 DIN standards to warm and humidity-technical characteristic values. Purchase for the the subject of the requirement 1 is not recognizable.

In that Only general material data are to be found to data base search E29. Purchase for the application as vapor barrier in the special connection of the requirement 1 is missing.

Theoretical one Bases to the water vapor diffusion are from the E6.E7, E8, E35 and E37 and technical rules to the installation from vapor barriers are from the E13 and E28 entnehmbar. Considerations for the development of an damp-adaptive vapor barrier are not employed there.

Characteristics of Plastics are described in the E15, E26, E30 and E31. Without any Reference to the use as steam brake foils are they the specialist with the selection not helpfully.

In the E23, E24 and E25 are described the foils "Durethan". These foils become for Vakuumverpackungen for manufactured products uses. Although this foil in certain extent as a function of the environment dampness take up water or to deliver can, because of removes lying operational area a suitability for Vapor barriers not addressed and not lively.

This Holding out continue to lie thus off and can therefore neither for itself nor during a common view with the remaining holding out without inadmissible review to suggestions in the direction of the invention give.

The E21, E33 and E34 published block letters are, those only those after the announcing day Impact of the the subject of the requirement 1 continue to describe. They remain unconsidered.

Of that A-speaking I hilfsweise validly made illegal withdrawal of the Patent article does not seize likewise, there on the one hand a nature equality with the vapor barrier according to requirement 1 does not exist and on the other hand the circumstances in detail are not stated, in which way the contentious vapor barrier in its whole into the possession of the patent owner to have arrived should. Those E3a is not suitable for it as proof, because the vapor barrier described there fulfills the conditions of the requirement 1 anyway only incompletely.

The requirement 1 has therefore existence.

On the requirement special execution forms concern 1 of backreferred unteransprueche 2 to 18 the the subject of the requirement 1.

The unteransprueche have thus likewise existence.

The patent is therefore to maintain in its entirety.

A separate Feed of the input of the a-speaking I of 15. July 1999 was unnecessary, since therein underlying facts were not stated.

A verbal Negotiation was given that with the state of affairs and the consideration written expressions of the parties and the legal granted thereby Hearing not necessarily. On in Transmittal letter contained caution one refers to.

Patentabteilung 25  
**Wehrberger**

**Selmaier**

*Ausgegeben*  
*Steuers*



Roehrig  
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Date/DATE  
27-06-2002

Zeichen/Ref./Ref. registration NR./Application NoJDemande n°./Patent NR./Patent  
NO./Brevet n°.

97410 E EP/MK02 OPPO 01 96909977.9-2303/0821755

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.  
SHORT REPORT

Concerns: ( ) your letter of

( ) ours Telephone call of ( ) the answer of

Enclosed you receive: X) Letters of the Patentinhabers/f spreche)(en of  
of 18.06.2002(fax)

Kopie(n) EPA form 2944C ( ) report:

With the request over Information.

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( ) WRITINGS

EPA form 2911 05.02 7053401 24/06/02

19.06.2002 12:21 PRTEINTRNWALTE - ~ 2)994465 NR.297 pole

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Luropaei patent 96909977.9-2303IBP 0.821.755 applicants: Frattmhofer society our  
document: E 78491 EP (BO/SR)

We. ask to extend exeptionally the period by further 2 weeks, i.e. up to  
02. July 2002.

The reason becomes spoken that a einreichferge retort is already present, here  
however both with the Lizenznehmerin as well as with the patent owner and the Er-  
(indem further clarifications erforderhcla. are, within the still now current Period not to  
be settled knew.. We ask the geringfilgige further Time extension to grant and it is  
insured that the input within the period specified above one eingereicht

  
J. Bockhorni  
(Patentanwalt)

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Zeichen/Ref./Ref. registration NR./Application NoJDemande n°./Patent NR./Patent NO./Brevet n°.

E78491EP(BO/HL) 96909977.9-2303/0821755

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TIME EXTENSION ACCORDING TO RULE 84 EPUe einspruchsverfahren

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Answer of .18.10.2001....

over.....41..... Months

on altogether .....p9..... Months,

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Becomes the answer up the answer in time submitted, then the procedure is not continued. To article 114(2) EPUe one refers.

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EPA form 2944C 04.97 7053070 24/06/02

10.06.2002

12:21

PATENT LAWYERS 4 25994465

NR. 297 pole

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Luropaei patent 9ae9O9977.9-2303/EP 0-821.755 applicants: Fraunhofer Gesellschaft

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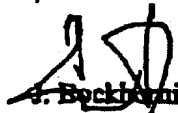
02. July 2002.

The Begründung becomes spoken that a einreichferfge retort is already present, here

however both with the Lizenznehmerin as well as with the patent owner and the Er-

findem further clarifications necessarily. are, within the still now current Period not to be

settled knew.. We ask the slight further Time extension to grant and it is insured that the input within the period specified above one eingereicht,

  
J. Beckmann  
(Patentanwalt)

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Mca, vnbnrgr.tr. 19-21 D-ad-t57 9ocnum

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24-04-2002

Zeichen/Ref./Ref. registration NR./Application NoJDemande n°./Patent NR./Patent NO./Brevet n°.

97410 E EP/MK02 OPPO 01 96909977.9-2303/0821755

Anmelder/Applicant/Demandeur/Patentinhaber1Proprietor/Titulaire

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SHORT REPORT

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- ( ) Their letter of .....
- ( ) Our telephone call of .....
- ( ) Answer of .....
- ( ) .....

Enclosed you receive: ( ) letters of the patentee/a-speaking of

X) Kopie(n) E.P.A;FOi;m, 2944, C..... ( ) report: .....

With the request over Information.

Emer, walter

Formal specialist Tel.: (089)2399 2972

() WRITINGS

EPA form 2911 10.93 7053401 19/04/02

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Date/DATE

24-04-2002

Zeichen/Ref./Ref. registration NR./Application NoJDemande n°./Patent NR./Patent  
NO./Brevet n°.

E78491EP(BO/HL) 96909977.9-2303/0821755

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TIME EXTENSION ACCORDING TO RULE 84 EPUe einspruchsverfahren

On your request of .18:44:4?..... becomes the period the answer of the

Answer of ..1.8.1.0.01.....

over....Q2..... Months

on altogether ....q8..... Months,

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The grant of Time extensions depends on the regulations of the remark order on the  
EPUe and the guidelines for the examination in the EPA, part of E-VIII, 1.6.

Becomes the answer up the answer in time submitted, then the procedure is not  
continued. To article 114(2) EPtJ one refers.

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EPA form 2944C 04.97 7053070 19/04/02

18.04.2002 12:52 PATENTANWhLTE 4 23994465

NR. 248 D01

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European patent EP 0.821.755 applicants: Fraunhofer Society our document: E  
78491 EP (BO/SR)

11n follow-up too our explanation over the agency assumption with letters of 12. March  
2002 we ask the period for the submission of a statement on the objection that  
Company ecological structural systems B.I. Moll GmbH & CO. Kg, around 2 months up  
to

18. June 2002

to extend, there we transferred at short notice the agency and we to Zusammenhang  
time the objection still discussions with the patent owner flihren must. It becomes asked  
that one allows to this period extending, particularly flair those Elaboration of the  
statement of the retort also that in the meantime positively final erstinstanzliche  
einspruchsverfahren against the German Parallel patent with several Einsprechenden,  
into which essentially those same holding out genaau.t became, into those  
Argumentation also to be included is, one assumes this Frist  
one allows to extending.

  
J. Bockhorn  
(Patentanwalt)

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Zeichen/Ref./R6f. registration NrJApplication NO./Demande n°JPatent NR JPatent  
NoJBrBvet n°.

E78491EP(BO/HL) 96909977.9-2303/0821755

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.

Report that Entry of changed data concerning the representative (rule 92(1)h) EPUe)

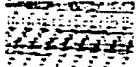
Request in accordance with became for European Patentanmeldung/das europaeische patent the data over the representative changed in:

Bockhorni, Josef, D3-pl. Ing.

Patent lawyers Herrmann Trentepohl large one - Bockhorni & partner Forstenrieder avenue 59

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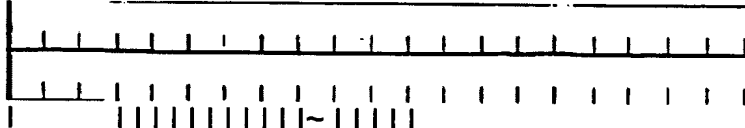
The change becomes in the European patent register registered and in the European patent sheet (1.12/11.12) published.



Sp'a formal specialist Te1.NR.: (089)2399



EPA form 2548 08.85 7051016 21/03/02



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Datum/Date

27. 03. 02

Zeichen/Ref./Ref. registration NR./Application NO./Demande n°1 Patent NR./Patent  
NO./Brevet n°.

94/30879-IBP-EP 96909977.9-2303 0821755

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

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It is confirmed, that in accordance with request of.....C3, oZ.....

1. ☐ the Name ☐ the with Anmelders/Patentinhabers

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2. ☐ those Appointment as agent ☐ die authority

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Should of that A-speaking, whose name was changed, a allgemeine authority gives its, then, the change of name of the authority giver that is asked Paper 5.1.to communicate 1 in M9inchen.

Still further should Procedure pending its, in which the name of the Einsprechenden is to be changed, thus for transmittal of an appropriate list one asks. Oe

Formal specialist

Tel. NR.: (089) 2399

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Zeichen/Ref./Ref. registration NrJApplication NO./Demande n°JPatent NR./Patent NO./Brevet n°.

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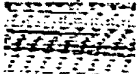
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The Anderung one becomes in the European patent register registered and in the European patent sheet (1.12/11.12) published.



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Munich 12. March 2002

File reference: 96 909,977.9-2303 European patent EP 0.821.755 owners:

Fraunhofer Society our document: E 78491 EP (BO/HL)

On behalf of and in We indicate hereby the agency to order of the patent owner and bit ten, all To address feeds to the address of our residents of Munich kanzlei:

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Fax: 089/53 22 29

email: muc@a pmp patent.de

10719 Berlin, Joachimstaler STR. 10-12 telephone: 030/88 44,810

Fax: 030/88136 89 email: bln@pmp patent.de 01217 Dresden, Gostritzer STR. 61-63

telephone: 03 51/8718160

Fax: 0351/871B162 email: dd@opmp patent.de

Munich,

1. March 2002 RZ/SE

Period: 18. April 2002

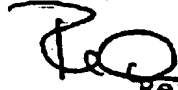
96 90 9977.9-1255 0 821,755

FRAUNHOFER COMPANY ...e.V. 94/30879-IBP/PCT/EP

A-on: Ecological structural systems B.I. Moll GmbH & CO. Kg

In things above Patent becomes hereby the agency  
laid down.

As new representatives the patent owner becomes the kanzlei gentleman man -  
Trentepohl - large one - Bockhorni & partner GbR order.

  
Dr. H patent lawyer  
Plants of 2 doubles  
J)

177 EPA/EPO/OEB  
D-80298 Munich

European  
Patent office

European  
Patent Office

Office  
européen  
brevets

21 + 49 89 2399-0  
TX 523,656 epmu D  
FAX+ 49 89 2399-4465

Central management 2 Directorate  
general 2

Direction of  
generals 2

[  
Sartorius, Peter, Dipl. Ing. Patent law office  
General eggs & Sartorius Elizabeth road 24 68535 Neckarhausen ALLEMAGNE  
]

Date/DATE  
26-02-2002

Zeichen/Ref./Ref. registration NR./Application NoJDemande n°./Patent NR./Patent  
NO./Brevet n°.

97410 E EP/MK02 OPPO 01 96909977.9-2303/0821755

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.

SHORT REPORT

Concerns:

- ( ) Their letter of .....
- ( ) Our telephone call of .....
- ( ) Answer of .....
- ( ) .....

Enclosed you receive: ( ) letters of the patentee/a-speaking of

Kopie(n) . E.P.AForm 2944 C..... ( ) report: .....

With the request over Information.

Emer, walter Formal specialist Tel.: (089)2399 2972

( ) WRITINGS

EPA form 2911 10.93 7053401 20/02/02

J)

177 EPA/EPO/OEB  
D-80298 Munich

European  
Patent office

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Patent Office

Office  
européen  
brevets

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TX 523,656 epmu D  
FAX+ 49 89 2399-4465

Central management 2 Directorate

Direction of

general 2

generals 2

Pfenning, Meinig & partner Mozart route 17  
80336 Munich ALLEMAGNE

Date/DATE

26-02-2002

Zeichen/Ref./Ref. registration NR./Application No/Demande n°./Patent NR./Patent NO./Brevet n°.

94/30879-IBP-EP 96909977.9-2303/0821755

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/ritulaire

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.

TIME EXTENSION ACCORDING TO RULE 84 EPUe

Einspruchsverfahren

On your request of 18:Q?:2QQ?..... becomes the period the answer of the  
Answer of ..1.8.1.0.2002...

over....p2..... Months

on altogether ....06..... Months,

counted of that Feed of the above-mentioned answer, extends.

[ ] to that extent one longer period was requested, becomes the request abgewiesen.  
Note:

The grant of Time extensions depends on the regulations of the remark order on the  
EPUe and the guidelines for the examination in the EPA, part of E-VIII, 1.6.

Becomes the answer up the answer in time submitted, then the procedure is not  
continued. To article 114(2) EPUe one refers.

Emer, walter

Formal specialist

Te1.NR.: (+49-89)2399..2Q72.

EPA form 2944C 04.97 7053070 20/02/02

18.February.2002 15:53 PFENNING, MEINIG & P. 089/532229

NR. 9326 S. 1

Pfenning, Meinig & Partner GbR

Patent lawyers

European patent Attorneys European trademark Attorneys

DiplAng. J. Pfenning (-1994) Dipl.Phys. K. h. Meinig (-1995) Dr.Irig.A. Butenschpn,  
Munich Dipl.Irig, J. Miner, Berlin Vorab it fax -- 1 Seite Dipl, Chern. Dr. H. Reitzle,  
Munich Dipl.Ing. UGrambow, Dresden DiplrPhys. Dr. H. Glider, Munich Dr.Ing.

S.Golkowsky-1 Berlin

EUROPAEISCHES PATENTAMT ' - - nicnirhtEhUr.r.PaetPat. 8 AttU.

MUENCHEN 80336 Munich, Mozart route 17 telephone: 089/530 93 36

Fax: 089/53 22 29

email: [muc@pmp patent.de](mailto:muc@pmp patent.de)

10719 Berlin, Joachimstaler STR.10-12 telephone: 030/8844810

Fax: 030/8613689 email: [blrl@pmp patent.de](mailto:blrl@pmp patent.de)

01217 Dresden, Gostritzer STR. 61-63 Telefon• 03 51)8716180

Fax: 03 51/8716162 email: [dd@pmp patenl.de](mailto:dd@pmp patenl.de)

Munich,

18. February 2002 R2/SE

Period: 18. February 2002 96 90 9977.9-1255 0,821,755

FRAUNHOFER COMPANY...e.V, 94/30879~IRP/PCT/EP

On the report of objections (rule 57(1) EPUe) of 18. October 2001

It is asked, those Period for expression on the Einspruchsschriftsatz ecological striking systems E.I.Moll GmbH & CO. I{g of 2. August 2001 around two months up to 18. April to extend 2002.

The patent owner it is not possible due to the again quoted publications, within that to take current period to the objection stating comprehensively position. - it one asks to allow to available Fristgesuch.



Dr H. Reitzle Patent lawyer

RECEIPT TIME 18, February. 14:50 EXPRESSION TIME 18, February. 14:51

J)

177 EPA/EPO/OEB  
D-80298 Munich

European  
Patent office

European  
Patent Office

Office  
europeen  
brevets

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TX 523,656 epmu D

FAX+ 49 89 2399-4465

Central management 2 Directorate  
general 2

Direction of  
generals 2

Sartorius, Peter, Dipl.Ing. Patent law office

General eggs & Sartorius Elizabeth road 24 68535 Neckarhausen ALLEMAGNE

Date/DATE

18-10-2001

Zeichen/Ref./Ref. registration NR./Application NoJDemande n°./Patent NR./Patent  
NO./Brevet n°.

97410 E EP/MK02 OPPO 01 96909977.9-2303/0821755

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.

REPORT OF FURTHER ONES OBJECTIONS ACCORDING TO RULE 57(2) EPUe



3 0 2

It did not become further objection inserted.

Hereby will/will according to rule 57(2) EPUe as plant a further objection/further  
objections communicated.

A copy that Report according to rule 57(1) EPUe to the patentee is to the information  
likewise as plant attached.

The statement the/that Patentinhaber/s to dem/den against the obengenannte patent  
inserted Dem/den Einsprechenden is sent to objection/objections immediately.



One expression period one sets, if the objection department considers this pertinent. Becomes within one set expression period the answer to an answer not in time submitted, then the procedure without weiteres is continued. On articles 114(2) EPUe one refers to.

Of all future Inputs ist/opndj(. # Y double for remaining (elekt. Document) teiligten to submit. Fehlende ien can at expense betref fenden took part are made (rule 36(4) EPUe).

Emer, walter

Formal specialist Tel.: (089)2399-2972

Plants: OY. Objection/objections

Copy of the report in accordance with rule 57(1) EPUe (form 2317)

EPA form 2318 11.92 7053201 15/10/01

J)

177 EPA/EPO/OEB  
D-80298 Munich

European  
Patent office

European  
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européen  
brevets

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TX 523,656 epmu D

FAX+ 49 89 2399-4465

Central management 2

Directorate  
general 2

Direction of  
generals 2

Pfenning, Meinig & Partner Mozart route 17

80336 Munich ALLEMAGNE

111111111111111111111111

L

Date/DATE

18-10-2001

Zeichen/Ref./Ref. registration NR./Application NoJDemande n°./Patent NR./Patent NO./Brevet n°.

94/30879-IBP-EP 96909977.9-2303/0821755

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/ritulaire

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.

REPORT OF OBJECTIONS (RULE 57(1) EPUe)

Within that Time for appeal is (are) objection (objections) of:

01. Ecological one Structural systems B.I. Moll GmbH & CO. Kg/Rhine Valley route 35-43/68723 Schwetzingen/DE

inserted.

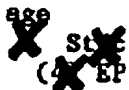
Der(Die) above aufgefuehrte(n) Einspruch(Einsprueche) were already set for you.

They are asked, within one period from 4 months to Zustellung of this report their To submit statement, of the Abschriften in 1 Stueck(en) for those remaining involved one to attach is (rule 36(4) EPUe).

If necessary can do you also changes of the description, the Patentansprueche and that Designs within the period mentioned submit. n are in dre tuecken on separate sheets for that

k(en) fue IE remaining involved one e)(zureichen (Re

These U erl EPA C n ge 36(1) and



(electronics file)

Become in the procedure yet documents mentioned imported, then are not to be submitted these doubly. To rule 59 EPUe one refers.

One, walter

Formalsachbearbeiter plants: Tel.: (089)2399 2972

Schreiben v. OI vom 14.08.2001

EINSCHREIBEN

EPA Form 2317A 12.92 7053101 29/09/01 OBSO



® EPA/EPO/OEB  
D-80298 Munich

Europäisches  
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European Office europ6en  
Patent Office brevets

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FAX +49892399 4465

Central management 2 Directorate general 2 Direction of  
generals 2

CoPy

Pfenning, Meinig & Partner \_ Mozart route 17  
80336 Munich ALLEMAGNE  
Date/DATE

03.09.01

Zeichen/Ref./Ref. registration NR./Application NO./Demande n° JPatent NR JPatent  
NoJBrevet n°.

94/30879-IBP-EP 96909977.9-2303/0821755

Anmelder/ApplicanUDemandeur/Patentinhaber/PropdetorfTitulaire -

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.  
REPORT ONE OBJECTION

Send hereby wir~in the plant the copy of an objection against the above-mentioned  
European Patent.

The request to the submission of a statement and if necessary on the change that  
Description, the patent claims and the designs (rule 57(1).EPUe) becomes separated  
are issued.

The period to Submission of this statement is only set if the following Conditions are  
fulfilled:

(B) The objection is ueberprueft on fulfilment of certain requirements in form (rule 56  
EPUe).

### EXPLANATION

The company Fislage kg is joint founder of the company  
Merseburger Packing GmbH \_ - (13.6.1991) and possesses since 1995 196  
100% that Portions.

The driving strength for and in the Merseburger packing GmbH was from the outset the  
Fislage kg, also the organization, the financings, the personnel employment, those  
Product range

and the contact too the most important customer - here also the company Moll -  
determined.

It was the company Fislage kg admits, and Fislage participated with your one power in  
the fact that off 1992 a so-called vapor barrier with the following structure of Mersepack  
industrially manufactured and to the company Moll to at the beginning of already of  
1995 over 2 Million.square meter under the Handelsnamen "B. i. Steam brake  
pasteboard reinforced "sells became.

Structure: upper ones Layer: flame retarding paper, 80 g/m2

1. middle layer: reinforcing lattices from glass fibers, 8x8 mm

2. middle layer: polyethylene foil, 18 glm2

Lower layer: flame retarding Paper, 80 g/m2

With friendly Greetings islage GmbH & CoXG

Karl

01 (PJ4

D-48477 Hoerstel

Rheiner road 74 district court Rheine HR A147

Fan 0 54 59 - 912.0 Komplementaerin: Fislage GmbH

Fax 0 54 59 - 912.201 HR Rheine B 999

E-Mail [geschlta@fslage.de](mailto:geschlta@fslage.de) Managing director: Juergen W. Shopkeeper

31.7.2001

USt ID NR:

DE 125,492,202

Ccmmerzbank 2066611 BLZ

Rheine 40340030

German bank 4009734 BLZ4D370079

Rheine

Dresdner 6711 777 BLZ

bank Rheine 40080040

Municipal

savings bank 2006 BLZ40350005

Rheine

Cooperative 81D800800BIZ40363433

bank Hoerstel

1 D. Out. 2081

MERSEBURGER PACKING GMBH      AERSEPAck  
MERSEPACK - Geusaer road - D-06217 Merseburg  
CONFIRMATION

We confirm hereby on the basis the documents of the society that the company Merseburger Packing GmbH from 1992 on for the company ecological Structural systems B.I. Moll GmbH & CO. Kg a product - Vapor barrier - in the extruding procedure with the following structure industrially manufactured and delivered::

Upper layer:

1. middle layer: 2. middle layer: Lower layer:  
flame retarding Paper, 80 g/m2 reinforcing lattices from glass fibers, 8x8 mm of polyethylene foil, 18 g/m2 flame retarding paper, 80 g/m2

Trade name: at first: "B.I. Steam brake pasteboard reinforces "later: "per clima DB+ "

From 1992 to beginning 1995 became already ueber-2 million. square meter at Moll delivered, which on the basis of Calculations to be occupied knows.

With friendly Greeting

Mers more ger Packing GmbH



J.W. Shopkeeper

31.7.2001

Managing director

D-06217 Merseburg Geusaer road

Tel. 0 34 61 - 555 631 fax 0 34 61 - 555,249

HR HalleSaalkreis B 3010 managing directors: Juergen W. Shopkeeper

DIN ENISO9W2

German bank Merseburg 6371900      BLZ 86070000 CommerzbankMerseburg

4005070 BLZ80040000 Dresdner bank Merseburg 08125120 BLZ 80080000 USt ID

NR.: DE 139713580

Tabulator positions '

only for EPA

I. Attacked patent

Einspr.NR. OPPO (1)

821755

Patent number

6909977.9

Announcing number

Day of the reference up Distribution (art.97(4),  
99(1) 1121219)

9.112000

Designation of the  
invention (titles):

Vapor barrier for that

Employment to

Thermal insulation of

buildings

II. In that Patent specification as first/only mentioned

Patentee Fraunhofer Society

Indication of the A-speaking or representative  
(maximally 15 positions) 97,410 E EP

OREF

III. More a-speaking

OPPO (2)

Name

kologische  
Structural systems B. I.  
Moll  
Ltd. & CO. Kg

Address

Rhine Valley route 35 -  
43  
D-68723 Schwetzingen r  
DE

State of the Domicile or  
seat

6202-27820

6202-  
278231

Telefon[Telex/Telefax

Common objection

To Miteinsprechende see additional  
sheet

IV. Agency

1. Representative  
(only indicate one  
representative,  
to be set is)

General eggs &  
Sartorius

OPPO (9)

Name

Business address

Peter Sartorius  
Elizabeth road 24  
D-68535  
Neckarhausen

Telefon[Telex/Telefax

6203-404190

6203-  
17332

Further certified  
representatives

(see additional  
sheet/authority)

OPPO (5)

2. Angestellte(r) of the a-  
speaking,  
those/that for this  
Einspruchs  
proceeded in  
accordance with kind.  
133(3) EPUe

Name(n):

authorized will/will

Vollmacht(en)

To 1.12.

771 not necessarily

registered under NR.

X

1 attached

EPA form 2300.1 04.93

EIPO - Munich 50

10. August. 2001

Objection against a European Patent

To the European patent office

K

only for  
EPA

. The objection is directed against the given patent

- to the entire extent

- to the extent that Requirements NR.

I. Einspruchsgruende:

The objection becomes supported by the fact that

(A) the article the European patent not patentable is (art. 100(a) EPUe),  
because it

- is not new (art. 52(1); 54 EPUe)

- not on one is based to inventive activity (art. 52(1); 56 EPUe)

- from other Reasons of r t. 52-57

indeed ~ffenkundige prior use

of that Patenting barness is impossible.

(B) that European patent the invention does not reveal so clearly that  
Specialist it

to implement can (art. 100(b) EPUe, vgl. Kind. 83 EPUe).

(C) the article the European patent over contents Anmeldung/der earlier  
Registration in that originally submitted version goes out (art. 100(c) EPUe,  
vgl. Kind. 123(2) EPUe).

II. Fact-state and reason  
(rule 55(c) EPUe)

taken place up separate document (plant 1)

III. Other requests:

EPA form 2300.2 04.93

only for  
EPA

IX. ' evidence

Beige-closed =

I is supplied later =

Publications:

Date that  
Publication

1

Product information the company B.I. Moll "B.1.Nature steam brake  
pasteboard reinforces ', imprinted on that Material with Beratungs  
and sales remark of 1994

Particularly relevantly (Seite/Spalte/Zeile/Fig.):

2

Instruction card that Company B.I. Moll "per clima DB+" from December  
1998

Particularly relevantly (Seite/Spalte/Zeile/Fig.):

Inspection report of 9. June 1998 of the material research and test institute  
for the building industry Leipzig e.V.

Particularly relevantly (Seite/Spalte/Zeile/Fig.):



4

Explanation of Mr. Moll of 01.08.2001 in addition of D1 and D2

Particularly relevantly (Seite/Spalte/Zeile/Fig.):

Explanation that Company Fislage KG/Merseburger packing GmbH of 31.07.2001

Particularly relevantly (Seite/Spalte/Zeile/Fig.):

6

Explanation of Mr. Dr. Helmut Lusky of 02.08.2001 similar to D4

Particularly relevantly (Seite/Spalte/Zeile/Fig.):

7

EP-B1 0,148,870 the company V.I.K. Consult, erteilungsdatum 05.11.1986

Particularly relevantly (Seite/Spalte/Zeile/Fig.):

Continuation on additional sheet

B.

Other evidence

Further data on additional sheet

EPA form 2300.3 04.93

General eggs & Sartorius

. Patent lawyers

European patent Attorneys Elizabeth road 24 68535 Neckarhausen telephone (06203) 404190 fax 17332

IX. Evidence - Additional sheet

8 instruction card that Company Icopal GmbH "Hygrodiode" of 1985

9 WHERE 85/00188 = EP 0 148,870 in addition of D8

10 calculation NR. 911723 of 25.11.1991 for the article P-DBA135-R B.1. Nature Dampfbremspappe reinforced in addition of D4

Payment that Objection fee takes  
place  
as up attached fee payment form  
(EPA form.  
Crossed cheque

1010) indicated

only for  
EPA

I. List of the documents:

Plant	Number of items:
NR.:	
0 U3Z7 objection form	f~ (at least 2)
1 M facts and Reason (s. VII.)	(at least 2)
2 Copies of as Evidence indicated (s. IX.)	
2a 0 10-publications	0 (at least ever 2)
2b 0 - other documents	(at least ever 2)
3 Unterzeichnete Vollmacht(en) (s. IV.)	0
4 f--1 fee payment form (s. X.)	
5 ~m7 ] Cheque	0
6 ' ] additional sheet (additional sheets)	0 (at least ever 2)
7 0 other ones Documents (state please individually):	0

II. Signature

,  
the a-speaking or representative

Peter Sartorius

PlaceNeckarhausen

Date 02.08.2001

Name () Unterzeichneten please with  
typewriter repeat. With legal

Personsthe position of the ()  
ask unterzeichneten within

the society indicate as typewriter

EPA form 2300.4 04.93

GENERAL EGGS & SARTORIUS

PATENT LAWYERS - EUROPEAN PATENT ATTORNEYS

2. August 2001

European Patent office Erhardtstrasse 27

80298 Munich

Official Az.: EP 0 821,755 BI (96909977.9)

Title: Vapor barrier for the employment for the thermal insulation of buildings

Patentee: Fraunhofer Society for the promotion of the applied research e.V., Munich A-

on: Ecological structural systems

B. I. Moll GmbH & CO. Kg, Schwetzingen my indication: 97,410 E EP/mk02

Against in the reference European patent mentioned, Verdf

fentlichungstag that Patenterteilung 29.112000, become

hereby named and on behalf of the company

Ecological one Structural systems B. I. Moll GmbH & CO. Kg of Rhine Valley route 35 -  
43 D-68723 Schwetzingen

E I N S P R U C H

raised.

MORE KURTALLGEIER PETERSARTORIUS

SCHILLERSTRASSE 8-1 O 79618 RHEINFELDEN ELIZABETH ENSTRASSE 24

68535 NECKARHAUSEN TEL: 07623/85 61(62) FAX: 07623/6 28 94 TEL:

06203/40 41 90 FAX: 06203/1 73 32 PAALLGEIER@AOL.COM

KANZLEI@PATENTANWALT SARTORIUS.DE

IN CO-OPERATION ALSO PATENT LAWYER OFFICE KURT of GENERAL EGGS

CH-431 O RHEINFELDEN TEL: 0041/61/8313234 VERBAL AGREEMENTS

REQUIRING TO YOUR EFFECTIVENESS OF A WRITTEN ONE CONFIRMATION.

The a-speaking represented through

Patent lawyers General eggs & Sartorius Dipl.Ing. Peter Sartorius Elizabeth road 24

D-68535 Edingen Neckarhausen Tel: 06203-40 41 90

Fax: 06203-1 73 32

The objection fee at a value of 613 euro becomes ueberwiesen. This input as well as  
the attached Documents become regarding possible further involved ones in 5-fold  
Execution submitted.

The objection becomes on the following documents gestuetzt, in EPA form the 2300  
again separately are aufgefuehrt:

DL Product information of the company B.I. Moll "B.I.Nature steam brake pasteboard reinforced ", imprinted on the Material with consulting and sales remark of 1994 (s. Box right down); Original for EPA, copy for involved one  
D2 instruction card that Company B.I. Moll "per clima DB+" from December 1998; Original for EPA, Copy for the Beteiligte  
D3 inspection report of 9. June 1998 of the Materialforschungs and test institute for the building industry Leipzig e.V.  
D4 explanation of Mr. Moll of 01.08.2001 in addition of DL and D2  
D5 explanation that Company Fislage KG/Merseburger Verpackung GmbH of 31.07.2001  
D6 explanation of Mr. Dr. Helmut Lusky of 02.08.2001 similar to D4  
D7 EP-B1 0,148,870 the company V.I.K. Consult, Erteilungsdatum 05.11.1986  
D8 instruction card that Company Icopal GmbH "Hygrodiode" of 1985  
D9 WHERE 85/00188 = EP 0,148,870 in addition of D8  
D10 calculation NR. 911723 of 25.11.1991 for the article P-DBA-135-R B.I.Nature Dampfbremspappe reinforced in addition of D4  
A N T R A e G E

I request

1. that unrestricted revocation of the contentious patent due to kind. 100, Letters A and b, EPUe as well as
2. fixing a verbal negotiation in accordance with. Kind. 116(1) EPUe, if does not intend is to allow to the revocation request on written way.

#### B E G R U E N D U N G

##### A. Prefaces to technical circumstances

To the priority day the contentious patent was for a long time well-known it, roof and walls of Buildings with strong layers of heat-insulating materials such as Schaumkunststoffen to line or fibre glass.

There these Heat-insulating materials are to a large extent air permeable, constantly find Air interchange by it hindurch instead of, by the isolating effect substantially one decreases.

One had that Insulating material therefore first with a luftundurchlaessigen material, z. B. with a bitumen layer, a metal foil or a strong plastic foil, provide, however this did not work satisfactorily. Because naemlich leaky places this air-impermeable Materials practically not to avoid are - is it with the transfer relating to crafts from the beginning or is it by tears due to aging -, nevertheless air arrives and thus in it the contained Water vapour in the DaemmStoff.

Air cools here off, the water condenses. In this way can in the course of the time substantial Mengen (of liquid) water into the insulating material to be brought in, which not only to building damage, Korrosionsschaeden or to formation of mould to lead can, but also the function of the thermal insulation clearly impair, particularly since the water can zurueckdiffundieren only to marginal extent.

One has therefore such coat material the preference/advantage gegeben, which in certain extent air-permeable (and concomitantly water vapour-permeable) is and thus those Rueckdiffusion of the water, thus the back drying process of the insulating material makes possible.

This material, which one uses in all rule in the form of foils or laminated materials, calls one quite descriptive "vapor barrier", because the Feuchtigkeitstausch one does not prevent (as with a vapor barrier), but only so far decreased that a back drying process can take place. Such Dampfbremsen were well-known to the priority day of the contentious patent.

##### B -- the-physical Bases of vapor barriers

To Characterisation of the water vapor diffusion Eigenschaften serves, as to Priority day of the contentious Patents likewise generally admits was, to that sd\_Wert [ m ], (as in the case of the contentious patent) in well-known way after the DIN regulation 52,615 to be measured can do. It

corresponds to that Diffusion resistance for the water vapour, the one resting air layer of as much Meter expansion (in diffusion direction) has, as it  $s_d$ -Wert indicates.

Example: One has Plastic foil of 0.1 mm of strength one  $s_d$ -Wert of 7,8 [ m ], then is the Diffusionswiderstand the same (or "aequivalente", as in the technical literature designated) like the 7.8 m thick air layer.

The more largely that  $s_d$ -Wert, the smaller the Wasserdampfdiffusion and in reverse.

Is  $s_d$ -Wert to S of the layer concerned in addition strengthens proportionally and hangs of the material this layer off, so that the designation

$s_d = S'$

applies, whereby one  $\sim t$  Material constant, which sucked. Diffusionswiderstandszahl, means.

The quantity of the diffusing water vapour is not however only a function of the  $s_d$ -Wertes (and thus the layer strength S and the materialfaktors  $\sim t$ ), but hangs also of the water vapour partial pressure  $p_W$  off.

The diffundierende quantity of water rises however, as automatically, with increasing partial pressure difference  $\Delta p_W$  that understands itself reciprocally dominant partial pressure.

There practically everyone Material a finite  $\sim t$ -Wert has, can a high  $\sim t$ -value (small Dampfdurchlaessigkeit) for the reaching of a certain  $s_d$ -Wertes by entsprechend small layer strength S to be compensated.

This means that the function of a vapor barrier for itself taken of their material to a large extent is independent.

C. The article of requirement 1 of the contentious patent regarding those Novelty

From this it acts itself around a "damp-adaptive vapor barrier", like the patentee it designates (s. z. B. Figure 1 of the patent specification), D. h. this Dampfbremse is to have  $s_d$ -Wert with higher relative air humidity a smaller than with lower relative air humidity, whereby the drainage of the Daemmstoffe in summer weather conditions one begünstigt (column 2, paragraph 009 the patent specification).

Requirement in accordance with is the  $s_d$ -Grenzwerte of the vapor barrier with 30 - 50 % rel. Air humidity 2 - 5 m and with 60 - 80 % rel. Air humidity < 1 m amount to.

This requirement is met prejudicial as to novelty, there the in-speaking company

B. I. Moll GmbH & CO kg, Schwetzingen

since 1991 a vapor barrier drives out continuously, which the requirement-in accordance with-eaten conditions fulfilled. This is substantiated under section D in detail.

D. The public Prior use of the article of Requirement 1

The company Moll 1991 brought a vapor barrier under the designation to "B.I. Nature Steam brake pasteboard reinforces "into the trade (s. D1, product information), which it for Marketing reasons of 1994 in "pro clima DB+" (s. D2, noticing

sheet) renamed, material-moderately however did not change.

This vapor barrier (in the following "Moll vapor barrier") Moll became after of them for the company Data in the Jahren 1991 and 1992 first of the Bosch & CO. in Wipperfuerth and afterwards until today invariably of the company "Merseburger packing" in Merseburg manufactured.

Up to 19. April 1995, the priority day of the contentious patent, more than 2 became by the company Million. the MollDampfbremse to the building material trade, the processing handicraft and supplied to the final consumers.

With that Moll vapor barrier concerns it a laminated material with the following structure:

upper layer: flame retarding Paper, 80 g/m<sup>2</sup>

first middle Layer: Reinforcing lattice from glass fibers, 8 x 8

second middle Layer: Polyethylene foil, 18 g/m<sup>2</sup> lower layer: like upper layer

Total total: 185 g/m<sup>2</sup>

This vapor barrier became occasionally on their physikalischen and application technology

Characteristics untersucht, whereby from the inspection report of the "Materialforschungs and test institute for the building industry Leipzig e.V." of 9. June 1998 (document of D3) particularly anschaulich it comes out that the examined material "per clima DB+" (Moll vapor barrier) of the client company. Moll (s. Page 1 of D3) in accordance with table on page 4 during a middle dampness load

- of 45 % that middle  $s_d$ -Wert from 3,3 m and - from 75 % the middle  $s_d$ -Wert of 0,9 m has.

Thus those fulfills Moll vapor barrier literally all Merkmale of the contentious requirement 1 and meets this neuheitsschaedlich.

The documents D4 and D5 are explanations of the GeschaeftsMerseburger packing, into that the Molldes contentious patent public zugaeng leader of the companies Moll and/or. those these managing directors insure, vapor barrier before that Priority day in the trade and with it everyone lich was.

E. Requirement 1 in View to the remaining Patentierungs requirements

Independently of it, that requirement 1 prejudicial as to novelty getroffen is, is its article because of erfinderischer activity lacking opposite the documents D6 and D7 that Patent protection no longer accessibl . From that EP patent specification D6 "vapor barriers" were bekannt, Layer

rial contained (see z. B. Requirement 1).

according to kind of sand yielding water-absorbing two layers from steam-close Mate between

The closer Definition "vapor barriers" teaches meanwhile that it itself over "vapor barriers" acts, because they are in reality due to that Openings in the steam-close Material (z. B. Polyethylene, column 4, line 8) dampfdurchlaessig exactly

Layer.

like the middle

water-absorbing

10

These vapor barriers do not however only exhibit the characteristic of the dampfdurchlaessigkeit actually, separate they have in the cold season a increased Wasserdampfdiffusionswiderstand, against what this resistance in the warmen season sinks and thus those Back drying process of the abgeschirmten insulating material favours (s. Column 5, lines 14 - 21).

Thus that can be done Principle of the contested alleged invention directly from D6 out, because it is jedermann - not only the specialist of the heat damming technology - it admits that the air humidity is higher in the summer than in the winter and in each case in the range of the values lies, like it in the contentious requirement 1 indicated are.

Or with others Words: the task of the contentious Patents became already successful by D6 solved, so that also not andeutungsweise is evident, on which inventive surplus itself the patentee destined would know.

D6 is therefore for itself alone already patent-preventing.

The same meets for the instruction card D7 too, which the "duoactive vapor barrier Hygrodiode "on the basis of D6 (s. last side) to the article has.

In accordance with that "technical data" on the last side i. V. with page 2 exists the vapor barrier from Polyamidvlies, reciprocally also Polyethylene foil strip is belegt.

For that Drying range (thus for the winter) is indicated sd\_Wert by 20 m and for the Kondensationsbereich (thus in the summer, if the condensation again to escape is) sd\_Wert of 0,3 m.

D7 became thus that contentious requirement 1 neuheitsschaedlich meet, if the upper Resistance value (20 m) into the range of the larger diffusion resistance (2 - 5 m) would fall.

There more highly Diffusion resistance in the winter - it is if possible little water into that Arrive to insulating material - however only of advantage, place the contentious teachings are one worsened execution form in relation to the vorbekannten theory in accordance with D7. Indications for an inventive activity, with which even a disadvantage to be ueberkompensiert would have, are not not evident. It remains to summarize that requirement 1 of the strittigen patent alone already because of inventive activity lacking opposite D6 or D7 have no existence can.

Likewise those is missing inventive activity opposite the publicly before-well-known Moll vapor barrier, as far as it concerns andere materials as polyethylene/paper.

Besides would have Requirement 1 after this-lateral view because of feasibility lacking (einspruchsgrund kind. 100 b and/or. Kind. 83 EPUe) not to be even given may, because this requirement is inadmissibly aufgabenhaft.

12

In the available case became in accordance with requirement 1 only certain numerical values as goal sizes for that angestrebten success indicated. Such regulations supply later dominant opinion out, if the

specialist puts easily into the position will to realize an invention for example in the case "one Befestigungselements "or" a plastic with a Erweichungsbereich of 120 - 140 °C ".

Here become however only material parameters vorgeschrieben, due to those the specialist only after the materials concerned with the help of complex measurements and - one sees once of the state of the art off - even erfinderischen considerations after such materials to search must. With such a circumstances the notorische Counterargument, it is indicated in the description a Loesung (here: PP), would not be sound, because it became still an unknown Number of unbekannter materials of the requirement does not cover, their suitability, D was invented. h. the requirement goes over the complete and clear Revealing (art. 83 EPUe) of the invention far outside, is not thus from that Beschreibung supported and accordingly inadmissibly.

Still a something sinnfaelligeres example of the unzulaessige Aufgabenhaftigkeit of one "invention" would be the Anspruch "blood pressure-lowering Rheumatism means ", even if such a means had been revealed.

Or differently expressed: it is not permitted, an invention by the desirable To charakterisieren result, which it is to produce.

13

F. Those Unteransprueche

Only requirement 3 the use of certain materials teaches, those for the vapor barrier suitably its sollen, i.e. the PP -6, -4 and -3 in the form of Folien.

Also this requirement is by D7 neuheitsschadlich getroffen. Other materials did not become revealed, so that in this regard also no theoretical Beschraenkungsmoeglichkeit exists, which would be to be examined for its Patentfaehigkeit.

The remaining Unteransprueche correspond to usual, long before-well-known execution forms in and contain obviously no erfinderischen of the technology of the Dampfbremsen Core, to which the patentee could be limited.

Patentanwalt

Dipl.-Ing. Peter Sartorius

Anläßen

VOLLMACHT/ AUTHORISATION/POUVOIR

Ask before filling out of the Form Please READ the notes overleaf before consider back completing the form Veuillez lire read remarques outer verso avant de remplir le formulaire

NR. the registration (the patent) NO /Application/Patent./ NO de la demande (you brevet)

Indication of the Representative (that representative) (max. 15 positions) Representative's Reference (max. 15 spaces)

Reference you ( ) mandate air (s) (15 caracteres ou espaces outer maximum)

97,410 E EP

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Ecological one Structural systems B. I. Moll GmbH & CO.Kg of RheintalstraBe 35,-43

68723 Schwetzingen

authorize) hiermit/do hereby authorise/autorise (autorisons) par la presente3

Allgeler & Sartorius Patent lawyers European patent Attorneys ElisabethenstraBe 24 68535

Neckarhausen

General eggs & Sartorius

Patent lawyers

European patent Attorneys Elisabethenstrat 24 68535 Neckarhausen telephone (08203) 404190 fax 17332

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a(Weitere Vertre it s n a outer separate sheet indicated./ Additional of representatives indicated on supplementary sheet./ Les of autres mandataires sont mentionnes sur une feuille suppenenaire.)  
me (us) too represented als/to represent ME (US) as/ae ME (nous) of representer EN tant quo

Anmelder oder Patentee applicant(s) or patent proprietor(s) /demandeur(s) ou titulaire(s) you brevet, A-speaking (Einsprechende)/opponent(s)/opposant(s), for me (us) too act in the procedures created by the European patent convention in ( ) the following European Patentanmeldung(en) or ( ) the following European Patent(en) ' and payments for me (us) in receipt too take:

ton of act for ME (US) in all proceedings established by the European patent Convention concerning the following European patent application(s) or patent (s) of ' and ton receive payments on my (our) managed:

ae agir EN mon (notre) nom dans toute procedure instituee par la Convention sur le brevet europeen et concernant la reads) that and (s) de brevet ou le (loose) brevet(s) europeen(s) suivant(s) ae et recevoir paiements the EN mon (notre) nom:

Weltere registrations or patents are indicated on a separate sheet. /Additional applications or patent indicated on supplementary sheet. / Les of autres demandes ou brevets mentionn6s Sur une feuille supplementaire sont.

The authority applies also for procedures after the contract over the international cooperation up the area of the patenting. This authorisation shall thus apply ton the same extent tons any proceedings established by the patent Cooperation Treaty.

Ce pouvoir s'applique aegalement ae toute procedure instituee par le Traite de cooperation EN matiere de brevets.

This authority applies also for possible European divisional applications. /This authorisation thus covers any European divisional applications. /Le present pouvoir vaut egalement pour loosely demandes divisionnaires europeennes qui pourraient etre deposees.

Substitute power can are given./Sub authorisation May given. /Le pouvoir pourra etre delegue.

I (we) widerrufe(n) hereby earlier authority in things of the above-designated Anmeldung(en) or the above-designated patent (the above-designated Patente)5, /I (incoming goods) hereby revoke all previous authorisations in respect OF the above application(s) or patent(s)5./ Revoque ever (Nous revoquons) par la presente tout pouvoir anterieur, donne pour la (loosely) that and (s) ou le (loose) brevet(s) mentionne(s) ci-dessus5.

Ort/Place/Lieu Schwetzingen Datum/Date 01.08.2001 Unterschrift(en)/Signature(s)6



(Lothar Moll)

The form must of (of) principals) (with legal entities of Person entitled to sign) personally signatoryly its. After that signature repeat please ( ) the name ( ) of the unterzeichneten with typewriter (with legal entities the position of the person entitled to sign within indicate to the society).

The form must bear the personal signature (s) of OF the authorisors) (that in the case OF legally person, OF the more officer empowered ton sign). After the signature, please type the name (s) OF the signatory(ies) adding, in the case OF legally person, his (their) position within the company.

Le formulaire doit Incoming goods signe de la propre Main you ( ) mandator (s) (dans ls cas de personnes morales, de la by-sun ayant qualite pour more signer). Veuillez more ajouter ae la machine, apribs la signature, le (les) nom(s) you ( ) signataire(s) EN montionnant, dons ls cos de personnes morales, ses (lours) fonctions to its de ls soaaete.

EPA/EPO/OEB form 1003 10.88

please turn/P. T 0. / T S. V P.

ERKLaeRUNG

in things of mine Objection against EP 0,821,755 B1

... and the insulation is perfect

Hereby I explain,

Lothar Moll

Owner and Managing director of the company



Ecological one Structural systems B. I. Moll GmbH & CO. Kg of Rhine Valley route 35 - 43 D-68723 Schwetzingen

The following:

1. my Company left at the company  
Merseburger Packing Geusaer road  
Merseburg

since the year 1992 a vapor barrier manufacture.

2. This vapor barrier has the following structure:

upper layer: flame retarding Paper, 80 g/M2

1. middle layer: reinforcing lattices from glass fibers 8 x 8 mm

2. middle layer: polyethylene foil, 18 g/M2

lower layer: flame retarding Paper, 80 g/M2

Total total: 185 g/M2

Dankverhindungen: Moll build-ecological products GmbH

Savings bank Heidelberg (BLZ 67250020) account number. 25075951

telephone 06202-

2782.0 managing director:

Cooperative bank Schwetzingen (BLZ 67091300) account number. 3023885 fax 06202-

2782.21 Lothar Moll, DiplAng. (FH) Wood technology

German bank Mannheim (BLZ 67070010) account number. 030244800 Uwe Bartholomaei

Value added tax ID.NR.: DE812154185 registry office Mannheim, HRB 17685

per clima'

3. Those managing characterized vapor barrier became of the company Merseburger packing on my company supplied, of where out it to a large extent the building material trade, but also at processing plants and final consumers sells or also from my company intended one shifted.

4. In speech standing vapor barrier became

- until 1994 under that Designation "B.I. Steam brake pasteboard reinforces" and - starting from 1995 under that Designation "per clima railways +"

to the customers supplied. The technical information is more appropriate to article Instruction cards.

5. The vapor barrier by the beginning of its production on material-moderately invariably one manufactured and accordingly also invariably brought into the trade.

Up to 19. April 1995, the priority day of the opposing patent, delivered quantity that Vapor barrier was more than 2 millions. m2.

6. I have those Vapor barrier occasionally of independent institutes on their Diffusion characteristics to examine leave. For the Nichtspezialisten in accordance with the examination report is understandable in the einspruchsverfahren brought in document of D3 of the "material research and test institute for the building industry Leipzig e.V."

7. Further should Necessarily or desired its, I am to data for this at the disposal. This applies also to my coworkers, as far as they are concerned with the thing.

I insure that I delivered this explanation after best knowledge and certain and that all Data are truthful.

Schwetzingen, 1. August 2001 Lothar Moll

KARL FISLAGE GMBH & CO. Kg

**PAP**

**IERE  
FOLIEN**

fISLAGE kg - Pasttach 1135 - D-48466 Hbratel

EXPLANATION

Dia. company Fisiege kg Is joint founder of the company

Meraaburger Packing GmbH

(13.6.1991) and possesses since 1998 100% of the portions.

The driving strength for and in the Merseburger packing GmbH was van Anfang to the Fislage kg, also the organization, the financings, the personnel employment, those Product range

and the contact too the most important customer -- here also the FIrme Moll - determined,

I/O was the company Fislage kg admits, and Fislage participated with your one power in the fact that off 1992 a so-called vapor barrier with the following structure of Mersepack industrially manufactured and to

the company Moll to at the beginning of already of 1996 over 2 Mid.GM under the Handelsnamen "g.i. Steam brake pasteboard were sold ernnief.

Structure: Upper one Layer: flammhammendes paper, 80 glrm2

1. middle layer: reinforcing lattices from glass fibers, 8x8 mm

2. middle layer: polyethylene foil, 1\$ glmz

Lower layer. flame retarding Paper, 80 glm "

With friendly Greeting

Karj4-(islage GmbH & CO.KG 31.7.2001

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## MERSEBURGER VERPACKUNG GMBH

**MERSEPACK**

MEASURE LUGGAGE • Gousm 5rraBe - 0-08217 Morseboni  
BESTATIGUNG

We confirm hereby on the basis the documents of the society that the Fima Memeburger Packing GmbH from 1992 on for the company

Okologi Structural systems 9.1. Molt OrnbH & CO. Kg

a product Vapor barrier - FM Extruslansverfahren with the following structure industrially manufactured and delivered::

Upper layer: flaming restraining DTE Paper, 80 glm2

1. middle layer: reinforcing lattices from glass fibers, 8x9 mm

2. middle Selcht Polyeth~enfolie , 18 g1m '

Lower layer: flaming restraining DTE Paper, 80 glm '

Handelaname: at first: ~B J. Steam brake pasteboard reinforces "more spAter: per clime DB+ "

From 1882 to beginning 1993 was already delivered waiter 2 Mie• square meter at Moll, which on the basis of Calculations to be occupied knows.

Mit freund

Mersebu

lichen greetings  
rger packing GmbH  
J.W. Shopkeeper  
31.7.2001  
GeeOOivMhrvr  
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Td, 0 36 61 565,031 Fax 9@451. W249  
w1 Nax4. 8Ww \* 6 3010 iiaa01'M4fQhw: 4M W Knufw



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Bontc taarpöuro 0e 125,20 elX eao 60000 uSt-lq Nc: b6139 T1.7 3w

4j`

Dr. Helmut Lusky

0 7, Aug, 2001

0/ 6

Product development and product service

Dr.Helmut Lusky, product development and product service Leunaer STR. 18 b, 06217 Merseburg

Tel. 03461 231580, 0172 6092734 fax 03461 231579

Email: [Drlusky@t-on-line.de](mailto:Drlusky@t-on-line.de)

#### EXPLANATION

in things of the Objection against EP 0,821,755 B1. Hereby I explain,

Dr. Helmut Lusky

From 1991 to end 1996 managing directors of the company

Company. Merseburger Packing Geusaerstr.

D-06217 Merseburg

The following:

1. The company Merseburger packing places Moll since the year 1992 for the company

Ecological one Structural systems B. I. Moll GmbH & CoXG

a vapor barrier ago.

2. This vapor barrier has the following structure:

upper layer: flame retarding Paper, 80 g/m2 1. middle layer: Reinforcing lattice from glass fibers 8x8 mm

of 2. middle layer: Polyethylene foil, 18 g/m2

lower Schicht flame retarding Paper, 80 g/m2

2

3. Those managing characterized vapor barrier became since the year 1992 of the company Merseburger packing in the extruding procedure industrially manufactured and to the company Moll delivered, who it to a large extent at building material dealers, Crafts enterprises and final consumers further-sold or at the customers also intended shifted.

4. Company Moll drove out the vapor barriers

until 1995 under that Designation "B.I. Steam brake pasteboard reinforces "and

seit 1995 under that Designation "per clima DB+"

to their customers, like also from the appropriate instruction cards over the technical data that Vapor barrier comes out.

5. The vapor barrier by the beginning of its production on material-moderately invariably one manufactured and supplied to the company Moll.

The scope of supply amounted to up to 19. April 1995, the priority day of the contested patent, more than 2 million m2.

6. Further should Necessarily or desired its, I am to data for this at the disposal. This applies also to coworkers of the companies. Merseburger packing, so far it with that Thing are concerned. I insure that I delivered this explanation after best knowledge and certain and that all Data are truthful.

Bl, Noll GmbH & CO. Kg, Rheintalstr. 35 - 40, 6830 Sch-etZirigoa

Gentleman

Roland Gieser Kirchenstr. 201

W-6838 Reil.ingen

'll ;l,...Jill .....Jill,...1i 11' '

Customer NR: 200734 Datum : 25.1191

Dispatch: Abholung/fr. Supply: 23.1191

Kind.NR. I Designation

	Amount of, MEH	E-price discount	Entirely S
P-DBA-135-R B.I.- Nature steam brake pasteboard, reinforces Width: 135 cm 1 role = 135 square meter Return of 23.1191	1.00 role	334.80	334.80 1
P-DBP-135-R 8.I.Dampfbremspappe, 135 cm Color: blue	-1.00Rolle	57.30	-267.30 1

Net commodity value: DM 67.50

14.00% VAT. auf 67.50 ergeben 9.45 VAT. entirely: DM 9.45 -----

G e s a m t s u m m e D il 76.95

Payable up to: 03.12.91 with 2.0% discount payment or up to: 09. 12.91 net. It sparen 1.54

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Delivery note

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Datum 23.11.91

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Mode of shipment

FrailUnfrei

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n A C h entrance of the report in accordance with. Rule 51(6) EPUe requested and at the 00.0000 with the EPA entered corrections were considered.

Patentnummer : 0821755

Anmeldetag : 18.04.96

Stressed Prioritaet : 19.04.95/DE 19514420 designated Contracting States

and Patentinhaber : RK-\$\$\$-CH-DE-DK-IT-FI-FR-GB-IE-IT-LEFT-NLSE

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V. Leonrodstrasse 54  
80636 Muenchen/DE

The decision becomes effective on the day, to in the European patent sheet on the distribution referred to is (art.97(4) and (5) EPUe).

The reference over those Distribution becomes in the European patent sheet 00/48 to 29.1100 announced.



PrÜfungsabteilung

PLUGGE H B TELLEFSEN J J DELZOR F N M

Writing

EPA form 2006 01.95 7051001 to Post office to: 13/10/00

NOTE TO DECISION OVER the DISTRIBUTION of a EUROPEAN PATENT (EPA form 2006)

1. EPA Information brochure "national right to the EPUe"

This brochure contains useful information to the formal requirements and that Actions, which are to be made before the patent authorities of the Contracting States, over To attain right one in these states. There these actions a constant Change subjected are, should in each case the newest expenditure of the brochure are used. Additional information is published in the Official Journal.

2. Translation that European patent step according to the article 65(1) of the European Patentueber-einkommens

They become again pointed out that determined Contracting States according to the article 65(1) EPUe one Uebersetzung of the European patent specification require; becomes on that in that Report in accordance with rule 51(6) verwiesen. The Nichteinreichung of these Translation can have as a consequence that the patent in the Staatlin concerned does not apply for the states concerned as from the outset. Further one Details take you please from the brochure specified above.

3. Payment of Annual fees for European patents

According to the article 141 EPU can ' national ' annual fees for the European patent for the years are raised, which to the year attach, in that the Hinwei s on those Distribution of the European patent announced in the ' European patent sheet ' becomes. Further details take you please from the brochure specified above.

NOTE RELATING TONS OF THE DECISION TON GRANT A EUROPEAN PATENT (EPO form 2006)  
EPO information Brochure "national law relating ton the EPC".

This brochure provides useful information regarding formally requirement and the steps tons taken before the patent of authorities OF the Contracting States in order ton acquire rights into those states. Since the necessary steps of acres subject tons of CHANGES the latest edition OF the brochure should always used. Subsequent information is published into the Official journal.

2.

Translation OF the European patent specification under Article 65(1) OF the European patent Convention  
Your attention is again drawn ton the requirements regarding translation OF the European patent specification laid down by A NUMBER OF Contracting States of under Article 65(1) EPC, ton which reference is larva into the communication under Rule 51(6). Failure tons supply look for translation (s) May result into the patent

being deemed tons void "off initio" into the State(s) in question. For details you acres recommended ton consult the above mentioned brochure.

### 3. Payment OF renewal fees for European of patent

Under Article 141 EPC 'national' renewal fees in respect OF A European patent May imposed for the years which follow the grant OF the European that into which the mention OF patent is published into the 'European patent bulletin'. For details you acres recommended tons consult the above mentioned brochure.

### REMARQUE RELATIVE A LA DECISION DE DELIVRANCE D'UN BREVET EUROPEAN (OEB form 2006)

Brochure d'information de l'OEB "Droit national relatif ae la CBE"

Cette brochure fournit d'utiles renseignements sur les conditions de forms requises et sur les actes ae accomplir aupres offices de brevet the budget contractants aux fins d'obtenir droits the clan of les budget con - tractants. Etant donne que les actes inclispensables sont susceptibles de modifications, IL serait bon de toujours more consulter la that kidney edition de la brochure. Toute information ulterieure est publication Institution of Electrical Engineers outer journal Officiel.

2.

Traduction you fascicule you brevet europeen EN vertu de l'article 65(1) de la Convention sur le brevet europeen

Votre attention est de nouveau attiree sur (' obligation faite par certains budgets contractants, EN vertu de l'article 65(1) CBE, de fournir une traduction you fascicule you brevet europeen, ae laquelle IL est reference dans la notification etablie fait conformement ae la regle 51(6). Si la(les) traduction(s) n'est(ne sont) pas fournie(s), le brevet europeen peut, the l'origine, titre reputé sans effet dans cet(ces) budget (s). Pour plus de detail, nous vous renvoyons ae la brochure susmentionnee.

3.

Paiement of the taxes annuelles pour le brevet europeen

Conformement ae (' article 141 CBE, les taxes annuelles 'national' dues outer titre you brevet europeen peuvent titre perçues pour les annees suivant celle outer cours de laquelle la mention de la delivrance you brevet europeen est publication Institution of Electrical Engineers outer ' bulletin europeen brevets '. Pour plus de details, nous vous renvoyons ae la brochure susmentionnee.

Pfenning, Meinig & partner GbR

EUROPAI PATENT OFFICE Erhardtstrasse 27 80298 Munich

EPO - Munich DiplAng. J. Pfenning (-1994)

61 Dipl.Phys. K. H. Meinig (-1995)

q 9, August. Lq000 Dr.Ing. A. Butenschoen, Munchen

L Dipl.Ing. J. Miner, Berlin Dtpl-Chem. Dr. H. Reitzle, Munich Dipl.Ing. U. Grambow, Dresden

Dipl: Phys. Dr. H.Glider, Munich "also attorney

Patent lawyers

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Period: 29. August 2000

Munich,

25. August 2000 GL/SE

96 90 9977.9-1255 0 821,755 FRAUNHOFER COMPANY 94/30879-IBP/PCT/EP

On the report according to rule 51(6) EPUe of 29.05.00

Become lying close presented:

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- b) translation the requirements (ever two-way) in englischer and French language.



3. those additional Anspruchsgebuehr(en) too  
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Index 016..... 0.00

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The following of you designated Contracting States require a translation in accordance with article 65(1) EPUe the European patent specification into their/one of its office languages (rule 51(10) EPUe), s o f e r n this patent specification not in their/one of their office languages one publishes

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In the case of one effective extending

Fax: 030/88136 89 email: [bln@pmp-patent.de](mailto:bln@pmp-patent.de)

01217 Dresden, Gostritzer STR. 61-63 telephone: 03 51/8718160

Fax: 0351/8718162

Munich,

12. May 2000 RZ/SE

PERIOD: 27. August 2000

European one Patentanmeldung 96 90 9977.9-1255 FRAUNHOFER COMPANY

94/30879-IBP/PCT/EP

In retort up the answer in accordance with rule 51(4) EPUe

of 27. April 2000

The Anmelderin explained hereby their agreement with as the distribution the planned Documents.

It becomes the decree the answer in accordance with rule 51(6) EPUe

expected.

Dr iLP.Q.,tz ' 1e Patent lawyer

-- ur "rmedaemmung Of GebKudea

5 those invention concerns a spacelaterally arranged vapor barrier for the employment to Thermal insulation of Gebaeuden, in particular for heat heatdam-ASS-DAMMING ASS ASS with the Neubau and during the reorganization of old buildings. Sv~ C ~ e

DâpESr~w~se ~sk ' aur JCr pr \_ -q-3235246 hckcL4. 10 for the decrease of the carbon dioxide output, by the heating of buildings, becomes Waermedaemmassnahmen develops with the building new buildings and with the Altbau

reorganization accomplished. Out for the owner of always considering economic view, is to consider here also the 15 question of cost. In addition participates the outside appearance of the building a wesentlicher factor, that likewise a delimitation of the tatsaechlich feasible one represents. So can beispielsweise such heat heatdam-ASS-DAMMING ASS ASS at buildings, those over a 20 view framework order, only by Daemmschichten on the inside to be accomplished. Those bearable Feuchtebelastung of the framework wood must thereby in particular under winter conditions by the possible

Vapor diffusion also by the spacelateral vapor barrier 25 become secured. In contrast in addition must in the Sommermonaten by the joints between the Holzstaendern and the Ausfachung also inward drain penetrating wet-with-rain ones know, over despite an improved warming damming behavior also a long Le30 more bensdauer to secure the wood used for the framework.

Something similar Difficulties join also during the nachtraeglichen full rafter insulation Placing roofs with 35 of a steam-close Vordeckung (z.B. Roofing felt up Timber formwork) up. Thus showed investigations Fraunhofer of the institute for Building physics that with inside

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attached Vapor barriers with a water vapour Diffusionswiderstand (s.Value), that smaller than 10 m dif-fusionsaequivalente air layer thickness is, in particular to the north aligned roofs, the Austrock5 nung the timber formwork in Summer not sufficiently

is, around one to reach harmless wood moisture situation. So can spacelaterally attached Dampfsperren dampness enrichments, for example through Convection to be caused, no more in 10 sufficient measure exhaust.

On the basis of these disadvantages mentioned, it is task of the invention, a spacelateral To create vapor barrier, which is able, under different 15 site conditions, variable in the employment, a Was-serdampfaustausch between the room air and that To secure Inneren of a construction unit, that damages of the used Building materials by humidity weitestgehend excludes.

20

Becomes according to invention this task by in the kennzeichnenden part of the patent claim 1 characteristics mentioned solved.

25 training further and arrangements of the invention result on use into that untergeordneten requirements characteristics mentioned.

The according to invention spacelateral vapor barrier, which one moistens 30 also as "adaptive Vapor barrier" to designate can do, used as substantial material one, a Wasserdampf diffusion resistance dependent on the environment dampness exhibit and for the Einsatz with the building in buildings a sufficient course and 35 pressure strength exhibits.

~~WO 96/33331~~

~~PCT/DE96/00705~~

### 3

In form of one Foil or as coating on a substrate used material for the vapor barrier is with a relative dampness the vapor barrier surrounding Atmosphere within the range between 5 30 % and 50 % a water vapour Diffusionswiderstandswert (sd-value) from 2 to 5 m of a diffusionsaequivalenten air layer thickness and a relative

Dampness within the range from 60 % to 80 %, like he beispielsweise for the summer months is typical, a 10 water vapor diffusion resistance (sd-value), more kleiner than 1 m diffusion-equivalent air layer thickness is, exhibit.

This leads to the fact that under winter conditions 15 a higher Water vapor diffusion resistance as more under summer conditions reaches becomes. Thus the drainage in the summer can be favoured, without under winter conditions the Feuchtezufuhr a value to assume knows, the one Beeinträchtigung the used materials and the building on to cause itself can.

The invention can beside already with the Nachteilen of the state of the art mentioned Targeted applications 25 also with metal roof decks or wood stand constructions are used and also there apart from the improvement of the thermal insulation to Lowering of the construction costses lead.

As material for those Vapor barrier, which exhibits the desired 30 characteristics, can for example a Polyamid 6, a PP 4 or PP 3, like it insbesondere out BIEDERBICK, K., "plastics - short and concise", bird publishing house Peppering castle, admits to be verwendet is. These PP become as foils einge35 sets and points the demanded characteristics regarding that Water vapor diffusion resistance immanent up. In addition they have in the employment

in buildings necessary strengtheningnesses, so that it without additional expenditure applicable are. The thickness of the foils can within the range of 10 over up to 2 mm, bevorzugt in Over are appropriate for range from 20 km to 100.

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Can do however also different materials to be used, some not sufficient Firmness aufweisen and on suitable substrates are aufbringbar. The substrates point thereby bevor10 zugt a small Water vapor diffusion resistance up, and the demanded characteristics that erfindungsgemaessen vapor barrier essentially become from the coating caused.

15 as Materials for that and/or. the carriers can faserverstaerkte Cellulose materials, as for example paper webs, foils out Artificial fiber spin fabrics or polyethylene foils also perforated to be used.

20 that Material can be present also as coating on a substrate. Those Coating can thereby on one side on the substrate, in addition, in beson

their cases between two substrate layers. to be sand yield-like taken up. In the last case

25 becomes that Coating material from both sides effectively against mechanical attack protected and thereby the desired can during a long period Water vapor diffusion guarantee.

Can do also several of such layer structures ueber30 each other developed become.

For the coating the substrate can verschiedene materials and materials assigned become. So can tungsverfahren for example with suitable Beschich35 Polymere one, like z.B. modified Polyvinylalkohole, to be laid on. That unterscheidet itself Water vapour vague ion resistance, ge

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measure according to DIN 52615, around more than one power of ten with a dry and a damp Environment.

In addition, can do Plastic dispersions, Methyl5 cellulose, Leinoelalkyd, bone glue or Proteinderivate as coating material for the carrier to be verwendet.

In the case that rials this knows one-sided coating of the Traegermate10 on the side are applied, on none or only a small protection against mechanische Influence is necessary. The assembly of the vapor barrier according to invention it can take place in this case in such a way that the protecting substrate to the 15 that Area turned or side turned away to that the area shows.

In the following is those Invention by an example to be more naeher described.

20

Those becomes vapor barrier according to invention alone from a foil, those from PP 6 exists, gebildet. Became attempts with a foil thickness of

50 mm accomplished. The used Polyamid-6-Folien • 25 becomes at present from the company MF foils GmbH in Kempten, DE, manufactured.

Hygri hold back in the lab test

30 that Vapor diffusion resistance of the damp-adaptive vapor barrier became in accordance with DIN 52 615 within the drying range (3/50 % relative dampness (r.F)) and in the humid area (50/93 % r.F.) as well as within two lying in between dampness ranges (33/50 % and 50/75 % r.F.)

determined. 35 the result for the diffusion-equivalent Air layer thickness (sd-value) of the vapor barrier with a thickness of 50 over is in Dependence on in the en

look for dominant middle relative dampness in Figur 1 represented. Between S.Value in Trockenund in the humid area lies more than a Zehnerpotenz, so that also under practical Raumluftbedingun-

5 towards, itself between 30 % and 50 % in the winter and between approximately 60 % and 70 % in the summer move, one to expect clear controllability of the diffusion currents by the vapor barrier is.

10 practical Example of use

Computational investigations it showed that Steildaecher with steam-close Unterdaechern after installation more einer 10 cm to 20 cm thickened Zwischensparren-Volldaem15 mung from mineral fiber despite spacelateral vapor barrier within fewer years to become so damp to be able, that damage is unavoidable. Those is particularly critical

Situation with high Room air-damp, the beispieleweise between 50 % r.F. in January and 70 % r.F. in the 20 July vary, if at the same time the short-wave Strahlungsgewinne by north orientation relatively gering fail. In the following therefore the influence of the damp-adaptive vapor barrier on that becomes langfristigen dampness household of such constructions under 25 Holzkirchner Climate conditions computationally with the help of one already several times experimentally verified procedure measured.

On the basis of one ungedaemmten, northorients 30 pitched roof (28° inclination) with timber formwork, Bitumenpappe and brickyard covering, itself with its environment in that finds, is hygroscopic equilibrium Dampness behavior after Installation of a Zwischensparrendaemmung with a conventional and with that feuchte35 adaptive spacelateral vapor barrier in Fig. 2 dargestellt. Above the process of the total dampness in the roof and down the process are that Wood moisture of the Scha

Patent claims

1. spacelaterally arranged vapor barrier for the employment for the thermal insulation of buildings, 5 thereby g e k e n n z e i C h n e t,

that at least Part the vapor barrier from a material, one of the environment dampness dependent water vapor diffusion resistance aufweist, formed is, with that Condition that the 10 material with a relative dampness that the vapor barrier surrounding atmosphere within the range of 30 % to 50 % one Water vapour Diffusionswider

stood fsdWert'j of 2 to 5 m air layer thickness diffusionsaequivalente and with a relative

15 dampness within the range of 60 % to 80 % a Wasserdampf diffusion resistance;(sd value, that < 1 m diffusion-equivalent air layer thickness is, exhibits.

20 2. vapor barrier according to requirement 1, thus characterized that the material is a foil.

3. , vapor barrier according to requirement 2,

25 thereby characterized that the foil is selected from PP 6, Polymid 4 or PP 3.

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(PCT/DE96/007

4. vapor barrier according to requirement 2 or 3,

thus marked that the foil prefers a thickness of 10 over up to 2 mm, from 20 GM to 100 GM has.

5

5. - Vapor barrier according to requirement 1,  
thus marked that the material on a substrate an applied Polymerbeschichtung is.

10

->

6. vapor barrier according to requirement 5,  
thus characterized that the polymer for the polymer coating is selected out Polyvinylalkohol, plastic  
dispersion, Methylcel15 lulose, Leinoelalkyd, bone glue or Proteinderivaten.

7. vapor barrier after one of the requirements 1 to 6,

20 thereby marked that the material on a substrate with a small Wasserdampf diffusion resistance as  
coating is aufgebracht.

25 B. vapor barrier after one of the requirements 1 to 7,  
thus marked that the material zwischen two layers of a substrate with small water vapor diffusion  
resistance is sandwichartig taken up.

30

C 5

9. vapor barrier after at least one the An  
sayings 1 to 8,

thus characterized that the substrate is selected from a fiber-reinforced Zel35 lulosematerial.

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FIG. 1

crz A) u ton of A),i oe 4

:3 -4 0110:1a w ton of C C U 0 - ~ TA U 0 N

4a 4 -) 44 44 •.4 C in A

Dampness-adaptive ' Vapor barrier

0 20 40 60 80 100 relative ones Dampness [ \$ ]

2/2

FIG. 2

II [kg/

t L N N

3

Holzfeuchte [M.-%]

4

3

2

1

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.  
In accordance with report Rule 51(4) EPUe



Hereby becomes them communicated that the test department intends, a European patent up the basis of the above-mentioned European patent application in itself out to give the following documents resulting in version:

In the version for the Contracting States:

RK CH LEFT DE DK IT FI FR GB IE IT NL SE

Description, Sides:

1-7 published Version

Patent claims, NR.:

1-9 published Version

Designs, Sheets:

1/2,212 published Version

With the following Changes of the above-mentioned documents by the department:

Description, side: 1

Requirements, NR.: 1 \*\*, 2-9' ""

Remarks:

\* Rule 27(1)(b) EPUe.

Clips become only for reference symbols applied (rule 29(7) EPUe) \*\*\* article 84 EPUe.

Writing EPA Foim 2004 12 97CSX

RA01088, 20.04.2000

J)

Datum Blatt 2 registration NR.: 96,909,977.9

In the plant receive a copy of the above-mentioned documents.

The designation that Invention in the three office languages of the European patent office, those International patent classification, the designated Contracting States and that registered name of the applicant is the plant (EPA form 2056) to be taken.

They become requested, within one period of four months, counted of that Feed of this report, your agreement with the communicated version to explain. If you do not communicate your agreement in time, then those becomes European patent application subject to the regulations of the rule 51(5) EPUe Sentence 2 according to the article 97(1) EPUe rejected.

The submission a divisional application is only up to the explanation of agreement to this Report possible (rule 25(1) EPUe). Concerning the possibilities for accelerated treatment of European patent applications: See Abl. EPA 1997, 340.

Because of that Consideration of proposed amendments and the submission of a separate Requirement set for one or more designated Contracting States with one Reservation according to the article 167(2)a) EPUe after feed of this report becomes up the guidelines for the examination in the EPA, C-VI, 4.8-4.10 and C-VI, 15.1.2-15.1.4 referred to.

Is according to the article 88(1) EPUe necessary translation of the priority voucher or the explanation in accordance with rule 38(4) EPUe not yet submitted, then is it at the latest up to To submit expiration of the period specified in rule 38(4) EPUe.

Test department:

Chairman: PLUGGE H B

2. Examiner: TELLEFSEN J J

1. Examiner: DELZOR F N M



Applasawmy, R

For those Test department  
Tel. NR.: +31 70 340-3461 branch the Hague  
Plants: form 2056  
Copies of the documents  
**AGRA, NUPA, ACLA codiert**



Writing EPA Form 2004 12 97CSX  
RA01088, 20.04 2000

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Pfennig, Meinig & partner Mozart route 17

80336 Munich ALLEMAGNE

Registration NR.

96,909,977.9-1255

Indication date 94/30879-IBP-EP 1

Applicant

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.

For those intended distribution of a European patent (1) those become following Designation of the invention in the three office languages of the European patent office, (2) the international patent classification, (3) the designated Contracting States and (4) the registered name, the address, the state of the domicile or Seat of the applicant communicated.

- VAPOR BARRIER FOR THE EMPLOYMENT FOR THE THERMAL INSULATION OF BUILDINGS -  
VAPOUR BARRIER FOR USE IN THE HEAT INSULATION OF BUILDINGS

- BARRIER DE VAPOUR SERVANT A ISOLER of the BATIMENTS CONTRE LES EFFETS DE LA  
CHALEUR

(2) (3) (4)

E04131/66, E04D13/16

RK CH LEFT DE DK IT FI FR GB IE IT NL SE

FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.

Leonrodstrasse 54 80636 Munich DE

EPA form 2056 0&82CSX

RA01088. 2004.2000

European Patentamt European patent Office

GD2 DG2 DG2

Office europeen of the brevets

Announcing number:

16,909,977.9

IV.1 documents for the patenterteilung

In the version for the Contracting States:

RK CH LEFT DE DK IT FI FR GB IE IT NL SE

Description, Sides:

1-7 published Version

Patent claims, NR.:

1-9 published Version

Designs, Sheets:

1/2,2/2 published Version

With the following Changes of the above-mentioned documents by the test department:

Description, side: 1

Requirements, NR.: 1<sup>st</sup>, 2-9<sup>th</sup>

Remarks:

\* Rule 27(1)(b) EPUe

Clips become only for reference symbols applied (rule 29(7) EPUe) \*\*\* article 84 EPUe.

EPA form 2035 3 (blue 1) 01 94CSX

European Patentamt European patent Office Office européen brevets

GD2 DG2 DG2

Announcing number:

96,909,977.9

IV.2. Patent classification

On that published patent application indicated classification remains unchanged. It reads:

E04131/66, E04D13/16

IV.3. Title of the invention

On that published registration indicated titles remains unchanged. It reads:

VAPOR BARRIER FOR THAT EMPLOYMENT FOR THE THERMAL INSULATION OF BUILDINGS

VAPOUR BARRIER FOR USE IN THE HEAT INSULATION OF BUILDINGS

BARRIER DE VAPOUR SERVANT A ISOLER of the BATIMENTS CONTRE LES EFFETS DE LA CHALEUR

IV.4. Documentation

S-4-9000

Datum



PLUGS



ENJJ



E H B DELZOR F N M /T, ellefs

Vorsitzender 1. Examiner examiner

EPA form 2035 4 (sheet 1) 01 94CSX

P.B. 5818 - Patentlaan 2

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18. 11 98

Your Ref: 22029 XX 1 Application NO: 96909977.9 1255 0821755 DE9600705 WHERE 9633321

Applicant

FRAUNHOFER SOCIETY FOR PROMOTION DEROEANGEWANDTEN RESEARCH E.V.

Please find, hereby enclosed, the complete photocopy OF the priority document that which emergency completely printed into the set OF of pages sent on Oct. 26, 1998 more together with the Invoice NO. 20164775.

THE EX



AMINING DIVISION

M. --, on t.i: (0i0)7403070 The Hueguu

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-- J- LO UGMANN, VING1-OFT PARTNER

European patent Office D-80298 Munich Tyskland

9 November 1998

European patent appln. NO.96909977 (Publication NO. 0,821 755)

Our ref, 22029 XX 1

Dear Sirs,

Incoming goods of refer tons our type character OF 20 October 1998, requesting A CoPy OF the file OF European patent application NO, 96909977, except for the references cited, incoming goods have now received the CoPy OF the file dated 26 October 1998. But, into the received CoPy, the following pages OF the priority document were MISSING; PAGE 2, 4, 6, 8 and from PAGE 8 and the remainder of OF the pages into the document, if any.

To Please send US A CoPy OF thesis MISSING of pages. The material should sent ton the ADDRESS indicated above. Please ratio our above mentioned reference; NUMBER.

The administrative fee is ton debited from our DEPOSIT account NO. 28030016.

Yours sincerely,

Plougmann, Vington & Partners



Jan Simonsen  
(Association No. 117)

H/2



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APPLICATION: 96909977.9 DATE 11/06/98 TIME 11:qL1:36 USERID NS01650

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4. AMOUNT..... 2-00,00 5. CURRENCY CODE.....: THAT

6. REASON CODE..... 610

7. DECISION DATE..... 110698 8. FORMALITIES OFFICER.....: NS01650

9. REFUND STATUS : FRED APPROVAL : N

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4. AMOUNT..... 200,00 5. CURRENCY CODE.....: THAT  
6. REASON CODE.....: 610  
7. DECISION DATE.....: 110698 8. FORMALITIES OFFICER.....: NSO-1E50  
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RFAC V LLIYI-1V J V  
APPLICATION: 96909977.9 DATE-11/06/98 TIME-11:10:41 USERID-NS01650  
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. AMOUNT PAID FOR THIS FEE: 50,00  
. DATE OF LOAD PAYMENT.....: 24/09/97  
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1. FEE CODE AND SEQUENCE...: 401 01 2. PAYEE..... APPR 01 3. PERCENTAGE.....  
. AMOUNT..... 2-&G, 00 5. CURRENCY CODE.....: THAT  
6. REASON CODE..... 6,10  
7. DECISION DATE..... 110698 8. FORMALITIES OFFICER.....: NS-0-16-50  
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Date 29/12/97

ZeichentRefJR6f. registration NrJApplication NaJDemande n°JPatent NR JPatent NoArevet n°. 94/30879-IBP-EP PCT/DE960070 96909977.9-1255 / 0821755

AnmelderMpplicanbDemandeur/PatentinhabedPropdetor/Titulaire

Art FRAUNHOFER COMPANY TO the PROMOTION of the APPLIED RESEARCH E.V.  
REPORT THAT EUROPEAN PUBLICATION NUMBER AND INFORMATION FOR THE USE OF  
ARTICLE 67(3) EPUe

The provisional Protection in accordance with articles 67(1) and (2) EPUe in the respective Contracting States becomes effectively only if fulfills the conditions specified in article 67(3) EPUe are (further details can the information brochure Europaei Patent office "national right to the EPUe" and the supplementing Information in the Official Journal of the European patent office to be taken).



It became a request set, to extending the patent in LT LV SI.

The Official Journal 1-2/1994 closer information is to be entnemen, concerning the provisional Protection in LT LV SI.

In accordance with article 158(1) EPUe steps the publication of an international taken place according to the article 21 PCT Registration, for which the Europaei patent office is Designated Office, to the place the Veroeffentlichung of the European patent application.

Those bibliographic data of the above-mentioned euro PCT registration become to 04.02.98 in section I.1 of the European patent sheet to be published.

The European Publication number is 0821755.



They are asked, in the future when all reports to the Europaeisc patent office around those Management number supplemented announcing number as reference to indicate.

EINGANGSSTELLE

EPA form 1219 (02.94) 19/12/97

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To the European Patent office

Entrance into those regional phase before the EPA as Designated Office or selected office

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t Dropeap-Patent Office.. A l~g1ppropeen brevets

To

Entry into the regionally phase before the EPO as designated or elected Office



Entree dans la phase regional devant l'OEB agissant EN qualite d'Office designe ou elu  
European one Announcing number or, if does not admit, PCTAktenzeichen or PCT  
Verbffentlichungsnummer

96 90 9977.9

European application NUMBERS, or, if emergency known, PCT application or publication NUMBERS  
Numero de depot de la demande de brevet europeen ou, ae Numero de default depot PCT ou de  
publication PCT

Indication of the Applicant or representative (max 15 positions)

Applicant's or representative's reference (max. 15 spaces)

Reference you deinandeur ou you mandatasre (15 caracteres ou espaces outer maximum)

94/30879-IBP-EP

Is

1. Applicant

The data concerning that ( ) applicants are contained in of the international Verbffentlichung or of  
Internationalen Buro after the international publication notes become.

Applicant

Indications concerning the applicants) acres contained into the internationally publication or recorded by  
the Internationally office after the internationally publi  
cation

1. Demandeur

Les indications concernant le(s) demandeur(s) dans la publication international figurent ou ont  
enregistrees par le office of internationally apres ete la publication international.

And run gene one, those that International Buro did not note yet, is on an additional sheet indicated  
CHANGES which have emergency yet been recorded by the internationally office acres set out on  
additional on sheet.

Les changements qus n'ont pas encore ete enregistres par le office internationally sont indiques sui une  
feuille additional.

Setting address (see Instruction card 11, 1)

ADDRESS for correspondence (lake Notes f, 1)

Address pour la correspondance (voirno=0 zifli cash

S. WY, 4 20,

2. Representative

2. Representative

2. One DATA Irish

Name IVur one Representatives indicate, to that into the europaische patent register registered and to  
that one sets)

PFENNING, MEINIG &

Business address

Mozartstr. 17 80336 Munich DE

Name (name only one representative who is tons listed into the registers OF European of patent and ton  
whom notification is tons larva) PARTNER

ADDRESS OF place OF business

Nom (N'indiquer qu ' un seul one DATA Irish, qui serums inscrit outer Registre europeen brevets et  
auquel signification serums folds)

*100 961.2*

Address professionnelle

Telephone

089/530 93 36 Telefax XTR X

Telephones

Fax telex

Telephones

Fax telex

089/53 22 29 Weiterelr) representative on additional sheet



Additional representatives) on additional sheet  
Autre(s) mandate air (s) sui feuille addrtionnelle

3. Authority

3. Authorisation

3. Pouvoir

Einzelvollmacht is attached.

Individually authorisation is attached.

Un pouvoir special est joint.

General authority is registered under number.

General authorisation has been registered under NO:

Un pouvoir general A ete enregistre sous le n°

General authority is submitted, but does not register yet

A general authorisation has been filed, but emergency yet registered.

Un pouvoir general A ete depose mesuree nest pas encore enregistre.

With the EPA as PCTAnmeldeamt submitted authority closes expressly the regional phase .

The authorisation filed with the EPO as PCT receiving Office expressly includes the regionally phase.

Le pouvoser general tel que depose ae l'OEB agssant EN quakte d'office recepteur outer titre you PCT s'applique expressement ae la phase regional.

EPA/EPO/OEB form 12001 1296

4. Test request

Hereby those becomes Prufung of the Anmeldung in accordance with kind. 94 EPU requests. The Prüfungsgebühr is paid (became).

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4. ; Request for examination. EN exam giqukte

• Examination 4ihe more applicatio%Vaer. • 11 estelemande que la demande de

Kind. 94 EPC is hereby requested. brevet softly examinee, conformement ae

The examination fee is being (has l'art 94 CBE. Il est (A ete, serums)

been, wants) paid. procede outer paiement de la tax d'examen.

Test request in a certified Nichtamtssprache

(see instruction card III, to 6 2).

Request for examination in to admissible non EPO LANGUAGE (lake Notes 111, 6.2)

Requese EN exam dans une langue non officrefe author lake

(vorr notice!11, 6.2)

5. Copies

Additional one Abschrift(en) in the ergänzenden European search report of the stated Documents one requests (become).

5.

Copies

Additional CoPy (of copies) OF the documents cited into the supplementary European search report is (acres) requested.

5. Copies

Pnere de fournir une () copies) supplementaire(s) the document cites dens le rapport complementaire de search europeenne

Amount of that additional sentences of copies

NUMBER OF additional set OF copies

Nombre de leux supplementaires de copies

6. for that Procedure before the EPA determined documents

6. documents intended for proceedings before the EPO

6. Pieces destinees ae la procedure devant l'OEB

6.1 that Procedures EPA as Designated Office (PCT I) are folgende documents heretofore to put at the basis:

6.1 Proceedings before the EPO as designated Office (1 1) are based on the following document:

6.1 La procédure devant l'OEB agissant en qualité d'office Designs (1 1) doit se fonder sur les pièces suivantes,  
of International Bureau veröffentlichten Anmeldungsunterlagen (with all Ansprüchen, description and designs), if necessary with the geänderten Ansprüchen according to kind 19 PCT  
the application documents published by the international office (with all claims, description and drawings), where applicable with amended claims under kind. 19 PCT  
les pièces de la demande publiées par le office international (avec toutes les revendications, la description et les dessins), éventuellement avec les revendications modifiées et conformément à l'article 19 du PCT  
so far it not are replaced by the changes pray-joined in three pieces.  
unless replaced by the amendments enclosed into triplicate.  
dans la mesure où elles ne sont pas remplacées par les modifications jointes en trois exemplaires.  
If necessary, are To submit clarifications on an additional sheet!

Where necessary, clarifications submitted on A separate must sheet ]

Le cas échéant, of the explications être jointes sur une feuille doivent additionnelle

6.2 that Procedures before the EPA as selected office (PCT II) are folgende documents to put at the basis:

6.2 Proceedings before the EPO as elected Office (PCT II) are based on the following document:

6.2 La procédure devant l'OEB agissant en qualité d'office élu (PCT II) doit se fonder sur les pièces suivantes.

those that international provisional examination report at the basis put documents, including its possible plants

(such plants müssen always in three pieces to be beige-joined)

the documents on which the international preliminary examination report is based, including its possible annex

(visits annex must always filed into triplicate)

les pièces sur lesquelles SE fonde le rapport préliminaire d'examen international, y compris ses annex possible

(De of telles annex sont toujours à joindre en trois exemplaires)

so far it not are replaced by the changes beigefügten in three pieces.

unless replaced by the amendments enclosed into triplicate

dans la mesure où elles ne sont pas remplacées par les modifications jointes en trois exemplaires.

If necessary, are To submit clarifications on an additional sheet!

Where necessary, clarifications submitted on A separate must sheet!

Le cas échéant, of the explications être jointes sur une feuille additionnelle doivent!

Are the EPA as also the international provisional Prüfung assigned Behörde test evaluations zugewiesen, dürfen these the procedure before the EPA to be at the basis put

If the EPO as international Preliminary Examining Authority has received test of report, thesis May used as the basis OF proceedings before the EPO.

Si l'OEB, agissant en qualité d'administration chargée de l'examen préliminaire international, a reçu les rapports d'essais, ils peuvent moreover constituer la base de la procédure devant l'OEB

EPA/EPO/OEB form 1200 2 12 96

## 7. Translations

, those are attached in the following marked translations in one of the office languages of the EPA (German, English, French).

7.

Translations ~ . . . 7. %lodgdtions

' translation t1 om OF le offic 6pt ' .

LANGUAGES OF the EPO (English, French, ' traductions cochées ci-après dans German) of are enclosed as crossed

below: (all and, anglais, français)

In the procedure before that EPA as Designated Office or selected office (PCT I + 10

into proceedings before the EPO as designated or elected Office (PCT I + 1b

Dans la procédure devant l'OEB agissant en qualité d'Office désigné ou élu (PCT I + II):

Übersetzung that originally submitted international registration (description, requirement, any Textbestandteile in the designs), which veröffentlichten Summary, and any data concerning micro organisms according to rule 13<sup>5.3</sup> and 131<sup>5.4</sup> PCT, in three pieces  
Translation OF the international application (description, claims, any text into the drawings) as originally filed, OF the abstract as published and OF any indication under Rule 131.13 and 131.14 PCT regarding micro organisms, into triplicate

Traduction de la demande internationale divisee en trois pieces (description, revendications, text figurant eventuellement dans les dessins), de l'abrege publie, et de toutes indications visees aux regles 13b<sup>5.3</sup> et 131<sup>5.4</sup> PCT concernant les microorganismes, EN trois exemplaires

Übersetzung that prioritätsbegründenden Anmeldung(en), in a piece

Translation OF the priority application(s), into one copy

Traduction de la ( ) that and (s) ouvrant le droit de priorité, EN un exemplaire

- additional in Procedure before the EPA as Designated Office (PCT 1).

In addition, in proceedings before the EPO as designated Office (PCT/).

De plus, dans la procedure devant l'OEB agissant EN qualité d'office Designs (PCT 1)

Translation after Kind. 19 PCT of changed requirements together with explanation, if these the procedure forwards the EPA at the basis to be put to be supposed (see field 6), in three pieces

Translation OF amended claims and any statement of under kind 19 PCT, if the claims as amended across tons of form the basis for the proceedings before the EPO (see section 6), into triplicate

Traduction revendications modifiees et de la declaration folds conformement ae Particle 19 PCT, SI la procedure devant l'OEB doit etre fondee sur des revendications modifiees (cf. rubrique 6), EN trois exemplaires

- additional in Procedure before the EPA as selected office (PCT II)

- in addition, in proceedings before the EPO as elected Office (PCT 11)

- De plus, dans la procedure devant l'OEB agissant EN qualité d'office élu (PCT 11)

Translation that Plants to the international provisional examination report, in three pieces

Translation OF any annex to the international preliminary examination report, into triplicate

Traduction of the annex au rapport d'examen preliminaire international, EN trois exemplaires

8.

#### Biological Material

The invention concerns biological material or its use, that according to rule 28 EPC deposited is.

8. Biological material

The invention relates to and/or uses biological material deposited under Rule 28 EPC.

8. matière biologique

L'invention concerne et/ou utilise la matière biologique, deposee conformement ae la regle 28 CBE.

The data after Rule 28(1)(c) EPC are in the international Veröffentlichung or in that in accordance with field 7 eingereichten translation contained up

The particulars referred to in Rule 28(1)(c) EPC across given into the international publication or into the translation submitted under section 7 on.

Les indications visees ae la regle 28(1)(c) CBE figurent dans la publication internationale ou dans la traduction produite conformement ae la rubrique 7 ae la/aux:

Seite(n)/Zeile(n)

PAGE (s)/LINE (s)

PAGE (s)/ligne(s)

Those Empfangsbescheinigung(en) of the public trust office

The receipt(s) OF DEPOSIT issued by the depositary institution

Le(s) receipt(s) de depot delivre(s) par l'autorite de depot

is pray-joined (are)

is (are) enclosed

est (sont) joint(s)

(become) one supplies later

filed RK A wants more later DATE

serums (seront) produit(s) ulterieurement

Renouncement of those Obligation of the applicant according to rule 28(3) on separate writing stucco

Waiver OF the right to on undertaking from the more requester pursuant tons of Rule 28(3) attached

Renonciation, sur document distinct, ae (' commitment you requérant outer titre de la regle 28(3).

A

9.

Nucleotid and Aminosaeuresequenzen

According to rules the 5.2 and 1312' PCT as well as rule 1041 (3a) EPUe erforderlichen documents are appropriate for that EPA already forwards.

9.



Nucltotide andiamima acid \* sequences .... ' . . ' ... The items necessary into accordance with Rules 5.2 and 13ter PCT and Rule 1041 (3a) EPC have already furnished tons the EPO been.

; %\*ugrtces de nucleotides etd'asides amine

` Ces of paces requises selon regles read 52 et 1312' PCT et la regle 1041er (31'51 CBE delae aetae ont deposaees aupribs de l'OEB

The written Sequence minutes are supplied later lying close in an office language of the EPA.

The written sequence listings is furnished herewith m on official LANGUAGE OF the EPO.

La would list de saequences ecrlte est produite i-i-joint dans une langues officielles de l'OEB

Sequence minutes does not go over contents of the registration in ursprungllch the submitted Version outside.

The sequence listings of does emergency include more matt which goes beyond the content OF the application as filed.

La would list de saequences ne contlent pas d'elements s'etendant outer-delae you contenu de la demande telle qu'elle A aetae deposee

The prescribed maschinenlesbare data media is attached

The prescribed machine readable DATA carrier is enclosed.

Le support de donnees prescrlt, dechiffable par machine, est annexes

On that Datentrager gespeicherte information is correct with the written Sequence minutes

The information recorded on the DATA carrier is identical ton the written sequence listings

L'information figurant sur le support de donnees est identique ae celle que contlent la would list de saequences ecrlte.

10. Designation fees

10.1 Designation fees become for following in the international registration certain Vertragsstaaten of the EPU pays:

10. designation of fees

10.1 designation of fees of acres paid in OF the following EPC Contracting States respect designated into the internationally application for A European patent:

Taxes de designation

Les taxes de designation sont acquittees pour ceux the budget contractants de la CBE of designes dans la demande international qui Indiques of ci-apres sont.

	RK	Austria
		Belgium
	CH/LI	Switzerland and Liechtenstein
	DE	Germany
	DK	Danemark
	IT	Spain
	FI	Finland
LXJ	FR	France
	GB	United Konigreich
0	GR	Greece
	IE	Ireland
	IT	Italy
0	LU	Luxembourg
0	MC	Monaco

NL The Netherlands  
 611~ PT Portugal  
 FYI SE Sweden

Austria Belgium Switzerland and Liechtenstein Germany  
 Denmark Spain Finland France United Kingdom Greece  
 Irish country Italy Luxembourg Monaco Netherlands Portugal Sweden

n  
 Autriche Belgique Suisse et Liechtenstein Allemagne  
 Danemark Espagne Finlande France Royaume université Grèce  
 Irlande Italie Luxembourg Monaco Pays Bas Portugal Suède

10.2 is at present, Benennungsgebühren for in field the 10 does not intend 1 not marked, but in the international registration bestimmten Contracting States to pay the EPIJ. To that extent becomes on the feed of a report after Rule 85a(1) EPIJ does without if these designation fees not up to Expiration of the respite planned in rule 85a(2) EPU to be paid, becomes requested to foresee from a report to rule 69(1) EPU.

10.2 RKS present is emergency it intended tons pay designation of fees for the EPC Contracting States emergency marked with A CROSS more under 10.1 but designated into the internationally application. NO communication under Rule 85a(1) EPC in respect OF thesis designation of fees need notified If they have emergency been paid by the time the by iodine OF grace allowed in Rule 85a(2) EPC expires, it is requested that NO communication sent more under Rule 69(1) EPC.

10.2 Il nest pas actuellement envisage more d'acquitter read taxes de designation pour read budgets contractants de la CBE qui ne sent pas cochés sous la rubrique 10.1. corn qui sent designés dans la demande international. Le demandeur renonce ainsi ae la notification 16 la regle 85bis(1) CBE. Si of ces taxes de designation ne sent pas acquittées ae l'expiration you delai sui mentaire prévu A la regle 85bis(2) CBE, IL aest demande de s'abstenir more d'envoyer une notification, établie conformément ae la regle 69(1) CBE.

Planned fur those Entry of more worth Vertragsstaaten of the EPU, fur those the PCT or the EPIJ after printing of this form into strength steps, and in that international registration fur a europaisches patent certain were

1) space for any OTHER EPC Contracting States which May become PCT or EPC Contracting States after this form has printed and which were designated for A European patent been in the internationally application

Praevu pour l'inscription d'autres budget contractants de la CBE ae l'égard desquels la PCT ou la CBE entrera EN v, gueur apres (' impression you present formulaire e1 qui ont ate designés dans la demande international pour un brevet european

EPA/EPO/OEB form 1200 4 12 96

Extending of the European patent

This registration applies also as extending request regarding all in the international registration bestimmten non-contracting states of the EPIJ, with those during submission that international registration "Erstreckungsabkommen in strength were \*. Those Extending becomes however effective only if the prescribed extending fee one pays. The applicant intends, the extending fee for those nachfolgend marked states to pay '

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11 :Extension OF theleao~eap Ateat\*, :: 11• ~ens

• .. ion effets you brevet • •.. ,

0 ' european

This application is thus considered as v • ' La prEfsente demande est également being A request for extension tons all the reputée demande d'extension ae tous Non Contracting States ton the EPC les budget non adherents ae la CBE designated into the international designés clan la demande interna application with which "extension tionale, avec lesquels existaient, lors agreements " were date you dep6t de la demande the into force on, ((accords

OF filing the international application\* d'extension \*\* Toutefois (' extension  
 However, the extension only takes ne produit ses effets que SI la tax  
 effect if the prescribed extension fee d'extension est acquittee prescrite.  
 is paid. Le demandeur SE per float actuelle

The applicant intends to pay the more d'acquitter la tax d'extension  
 extension fee for the States marked pour les budget dont le nom est coche  
 with A CROSS below: cl-apres,

SI Slovenia (\* starting from 1  
 March 1994)  
 LT Litauen (\* starting from 5.  
 July 1994)  
 LV Lettland (\* starting from 1  
 time 1995)  
 0 Aluminium Albania (\* starting from 1.  
 February 1996)  
 0 RO Romania (\* starting from  
 15. October 1996)

Slovenia (\* as of 1 March 1994) Lithuania (\* as OF 5 July 1994) Latvia (\* as of 1 May 1995) Albania (\* as  
 OF 1 February 1996) Romania (\* as OF 15 October 1996)

Slovenie (\* ae more compter you 11 Mars 1994) Lituanie (\* ae more compter you 5 juillet 1994) Lettonie  
 (\* ae more compter you 1 mai 1995) Albanie (\* ae compterdu 1erfevrier 1996) Roumanie (\* ae more  
 compter you 15 octobre 1996)

Place for states, with those "Erstreckungsabkommen" after printing of this form sheet in strength step and  
 in the international registration were certain

More automatically Order for deduction (only possible for owners of current led with the EPA Accounts)

The EPA becomes assigned, in accordance with condition of the regulations over the automatic Writing  
 off due fees and displays of the following current To deduct account.

Space for States with which "extension agreements" more enter into force after this form has been printed  
 and which were designated into the international application

12. AUTOMATIC debit order

(for EPO DEPOSIT account holders only)

The EPO is hereby authorised, more under the arrangements for the AUTOMATIC debiting procedure,  
 to debit from the DEPOSIT account below any fees and costs falling due.

Pour le budget ae l'egard desquels, accords d'extensomi entreront EN vigueur apres (' impression  
 you present formulaire et qui ont eta designes cans la demands International one

Ordre de prelevement automatique (possible pour les titulaires de comptes uniquement courants ouverts  
 aupres de WEB)

Par la presente, IL est demande ae l'OEB de more prelever you compte courant cidessous les taxes et  
 fnais venant 6 echeance, conformement ae la reglementation relative outer prelevement automatique.

Number of the current Account/name of the owner of an account

DEPOSIT account NUMBER Account holder's name

NO you compte courant/ Nom you titulaire you connote

13. possible ones Repayments on the current account number led with the EPA

13. Reimbursement, if any, tons of EPO DEPOSIT account NUMBER

13. Reinboursements eventuels ae effectuer Sur le compte courant ouvert aupres de l'OEB numero

Name of the owner of an account

Account holder's name

Nom you titulaire you compte

14. Unterschrift(en) () the Anmelder(s) 14. signature (s) of OF applicants) or  
 or Vertreter representative

14. signature (s) you () demandeur(s) ou mandataire

Place/date

Place/DATE

Lieu 1 DATE

Munich, 23. September 1997

*Reitzle*  
tzie

Dr.' H. Rei Patent lawyer

Union NO. 96 for employee (art. 133(3) EPUe) with general authority:

NR.

For of employees (art. 133(3) EPC) having A general authorisation:

NO.

Pour of les employes (art. 133(3) CBE) disposant d'un pouvoir general

NO

Name) () Unterzeichneten please with typewriter repeat with legal entities ask also the position () of the Unterzeichneten within the society register

Please type namels) under signature (s) In the case OF legally person, the position OF the signatory within the company should thus typed

Veuillez fair more figurer le nom dactylographie sous la signature SI ce nom designe une by-suns morale, more alouter la mention dactylographiee de la position occupee par le signature outer its de la societe EPNEPO/OEB form 1200 5 12 96

%PJ

P.B.5818 - Patentlaan 2 2280 HV Rijswijk (ZH) (070) 3 40 20 40 TX 31651 epo nl FAX (070)  
3 40 30 16

European Patent office

Branch into that Hague Eingangsstelle

European Office europ6en

Patent Office of the brevets

Branch at Dipartement ae

The Hague La Haye

Recenngg section de

Section Denoet

CoPy

BUTENSCHON MINER NOTH REITZLE GRAMBOW KRAUS Mozart route 17

D-80336 Munich

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ALLEMAGNE

J

Date/DATE

16/12/96

Zeichen/Ref./Rif.

Registration NR./Application NO./Demande n'./Patent NR.if NO /Patent, /Brevet n°. 96909977.9-1255-PCT/DE9600705

Anmelder/Applicant/Demandeur//Patentinhaber/Propnelorfruitaire

.. FRAUNHOFER COMPANY TO THE PROMOTION OF THE ANGEWAND

1. The above-mentioned international registration became the European announcing number 96909977.9 assigned.

2. FOR THE ENTRANCE INTO the REGIONAL PHASE BEFORE the EPA are the following procedure actions to make:

2.1 up to the expiration 21. Monthly after the announcing or (gegebenenfalls) the earliest Priority day, if the EPA becomes active according to the article 22 PCT as DESIGNATED OFFICE:

a)

b)

Submission of one Translation of the international registration in one of the office languages of the EPA, if the registration of the international office not in one of these languages published is (art. 22(1) PCT and rule 104b(1)a) EPUe).

B. This information letter the EPA transmits if necessary to the representative, during the international Phase of the registration for the applicant was active. All further reports over Matters of procedure



exclusively become to the applicant and/or. its European Representative arranged, if its order the EPA in time communicated became.

9. Approaches Details are the supplement NR. 1 to the Official Journal NR. to infer 12/1992 (note for PCT applicants concerning periods and procedure actions before that EPA as Designated Office and selected office after the PCT (conditions: 01. January 1993)).

Note: This is a computer translation of the original webpage. It is provided for general information only and should not be regarded as complete nor accurate.